



Reprinted
April 10, 2007

ENGROSSED SENATE BILL No. 292

DIGEST OF SB 292 (Updated April 9, 2007 10:43 pm - DI 75)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-12; IC 3-13; IC 3-14; IC 5-4; IC 5-10.1; IC 20-23; IC 24-5; IC 36-2; IC 36-5; noncode.

Synopsis: Various election law matters. Makes the following changes in election law: (1) Provides that an identification document issued by the Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that has an indefinite expiration date, an identification issued by an approved institution of higher learning, or a Medicare card is an acceptable proof of identification to vote. (2) Restates county reimbursement procedures for attending the annual election administrators conference. (3) Makes procedural changes concerning small town elections. (4) Provides that a person who is subject to lawful detention but has not been convicted of a crime is eligible to register and vote until the person has been convicted of a crime and imprisoned following conviction. (5) Provides that an individual confined to a long term care facility may not be challenged solely on the basis that the address on the individual's (Continued next page)

Effective: Upon passage; January 1, 2007 (retroactive); July 1, 2007.

Landske, Lawson C

(HOUSE SPONSORS — PIERCE, LEHE, RICHARDSON)

January 11, 2007, read first time and referred to Committee on Local Government and Elections.

February 1, 2007, amended, reported favorably — Do Pass.

February 6, 2007, read second time, ordered engrossed.

February 7, 2007, engrossed.

February 15, 2007, read third time, passed. Yeas 35, nays 11.

HOUSE ACTION

February 26, 2007, read first time and referred to Committee on Elections and Apportionment.

April 5, 2007, amended, reported — Do Pass.

April 9, 2007, read second time, amended, ordered engrossed.

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application for an absentee ballot differs from the address shown on the individual's voter registration record. (6) Permits the election commission or a county election board to dissolve a committee without being required as part of the dissolution (as under current law) to waive outstanding civil penalties previously imposed on the committee. Specifies that the chairman or treasurer of the committee remains liable for any committee debts, notwithstanding the dissolution of the committee. (7) Specifies the reporting period for large contributions to candidates for statewide office. (8) Revises the instruction to voters who vote a straight party ticket and vote for candidates not on the straight party ticket. (9) Removes a requirement that certain instructions and notices used at the polls must be printed in braille. (10) Provides that if a voter's application for an absentee ballot is denied, the county election board must notify the applicant of the denial and tell the applicant how the application can be corrected and can be approved, if possible. (11) Provides that poll clerks and assistant poll clerks may ask a voter to show proof of identification. (12) Provides that a voter who executes an affidavit at the polls and is indigent or has a religious objection to being photographed is not required to present proof of identification. (13) Provides that when a voter votes as an absentee voter, the voter's signature on the absentee ballot affidavit shall be compared with the signature on the voter's voter registration record. (14) Permits all absentee ballot envelopes and related voter applications that will be sent to the same precinct to be enclosed in the same carrier envelope. (15) Provides for the counting of an absentee ballot received by the county election board before the close of the polls on election day if the ballot is not otherwise successfully challenged. (16) Requires an absentee voter to return the absentee ballot to the precinct election board or the county election board before the voter votes in person at the precinct. (17) Specifies other absentee ballot procedures. (18) Requires the counting of a ballot (other than an absentee ballot not initialed by the appropriate election officials) that has been marked and cast by a voter in compliance with election law but may otherwise not be counted solely as the result of the act or failure to act of an election officer unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented. (19) Permits a county election board to inspect the register or other recording device on an electronic voting system without obtaining the authority of the state recount commission. Repeals a statute imposing criminal penalties for the inspection of a voting system without the permission of the recount commission. (20) Establishes procedures for conducting a special election for United States Representative in conformity with a federal law applicable when there are more than 100 vacancies. (21) Provides for special elections when a vacancy exists in the general assembly in an office formerly held by a person elected as an independent candidate or as the candidate of a minor political party. (22) Changes several dates concerning the certification of ballot questions and devices to conform to the date in current law for the certification of candidates. (23) Revises precinct boundary change procedures. (24) Authorizes the approval of certain precinct establishment orders before the 2007 general election. (25) For voting system violations: (A) defines "election" for purposes of the secretary of state's enforcement of violations; and (B) specifies that, in computing the maximum civil penalty, a violation that occurs in more than one county is subject to the maximum civil penalty in each county. (26) Provides that the voting system technical oversight program account is nonreverting and that voting system application fees are to be deposited in the account. Continuously appropriates money in the account. (27) Authorizes the election division to conduct audits to determine compliance with federal and state laws requiring the securing and retention of election records. (28) Provides that voters who reside within the portion of a municipality located in a vote center

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pilot county may vote using vote center pilot county procedures. (29) Restates the maximum amount of a cash deposit or bond in a local recount proceeding. (30) Amends provisions concerning candidate ballot vacancy procedures. (31) Provides that a person who pays or accepts property to obtain signatures on a petition for ballot access commits a Class D felony if certain conditions exist. (32) Authorizes a county to purchase blanket bonds to cover the elected officers of one or more local government units within the county. (33) Provides for an exemption from withholding Social Security taxes from amounts paid to election officials or workers that are less than \$1,300 per year. (34) Provides for the initiation of the change of a school corporation's organization plan if 10% of the active voters in the school corporation sign a petition for the change. (Under current law, 20% of the voters in a school corporation must support a petition for a change in the school corporation's organization plan.) (35) Provides for the election of the members of the governing body of the Mishawaka school corporation. (36) Provides that the statute that regulates automatic dialing machines does not apply to calls initiated by a public opinion polling organization. Provides that the statute that prohibits the use of an automatic dialing-announcing device under certain circumstances does not apply to surveying public opinion. (37) Requires the Spencer County election board to place an advisory local public question on the November 2007 municipal election ballot asking the voters of the town of Grandview whether they would support funding a storm water utility through a fee added to their utility bills. (38) Updates references to federal law. (39) Repeals obsolete references to certificates of election issued by the county auditor, paper ballots, and special polling places.

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April 10, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 292

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 40.5. **(a) Except as provided in subsection**
4 **(b), "proof of identification" refers to a document that satisfies all the**
5 **following:**
6 (1) The document shows the name of the individual to whom the
7 document was issued, and the name conforms to the name in the
8 individual's voter registration record.
9 (2) The document shows a photograph of the individual to whom
10 the document was issued.
11 (3) The document includes an expiration date, and the document:
12 (A) is not expired; or
13 (B) expired after the date of the most recent general election.
14 (4) The document was issued by **any of the following:**
15 **(A) The United States. or Notwithstanding subdivision (3),**

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a document issued by the United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that:

(i) otherwise complies with the requirements of this section; and

(ii) has no expiration date or states that the document has an indefinite expiration date;

is sufficient proof of identification for purposes of this title.

(B) The state of Indiana.

(C) An approved institution of higher learning (as defined in IC 20-12-21-3).

(b) Notwithstanding subsection (a), a document issued to an individual to identify the individual as a participant in the Medicare program established under Title XVIII of the federal Social Security Act (42 U.S.C. 1395 et seq.) is sufficient proof of identification for purposes of this title.

SECTION 2. IC 3-5-4-1.9, AS ADDED BY P.L.164-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.9. (a) This section does not apply to a delinquent campaign finance filing received under IC 3-9.

(b) This section does not apply to an application for voter registration received while registration is closed under IC 3-7.

(c) Except as otherwise provided in this title, the election division, an election board, a circuit court clerk, a county voter registration office, or any other official responsible for receiving a filing under this title may not receive a filing that is offered to be filed after a deadline for the filing provided by this title.

SECTION 3. IC 3-5-4-7, AS AMENDED BY P.L.230-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. Except as otherwise provided in this title, a reference to a federal statute or regulation in this title is a reference to the statute or regulation as in effect January 1, ~~2005~~: 2007.

SECTION 4. IC 3-5-4.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This section applies to an absentee ballot cast by an individual confined in a long term care facility.

(b) A person may not challenge the right of an individual to vote at an election by absentee ballot solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record.

SECTION 5. IC 3-6-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) After the state chairman

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of a political party files a statement with the election division certifying that the party's name has been changed in accordance with all applicable party rules, a political party shall be known by the political party's new name, and the party has all the rights it had under its former name.

(b) If the state chairman of a political party files a statement under subsection (a) after the printing of ballots for use at an election conducted under this title has begun, ~~the election division or the~~ election board responsible for printing the ballots is not required to alter the ballots to state the new name of the political party.

SECTION 6. IC 3-6-4.2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Each year in which a general or municipal election is held, the election division shall call a meeting of all the members of the county election boards and the boards of registration to instruct them as to their duties under this title and federal law (including HAVA and NVRA). The election division may, but is not required to, call a meeting under this section during a year in which a general or a municipal election is not held.

(b) Each circuit court clerk shall attend a meeting called by the election division under this section.

(c) The co-directors of the election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

- (1) may conduct the meeting before the first day of the year; and
- (2) shall conduct the meeting before primary election day.

The instructional meeting may not last for more than two (2) days.

(d) Each member of a county election board or board of registration and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following **from the county general fund without appropriation:**

- (1) A per diem of twenty-four dollars (\$24) for attending the instructional meeting called by the election division under this section.
- (2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the instructional meeting called by the election division under this section.
- (3) Reimbursement for the payment of the instructional meeting registration fee. ~~from the county general fund without appropriation.~~
- (4) An allowance for lodging for each night preceding conference

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attendance equal to the lodging allowance provided to state employees in travel status.

SECTION 7. IC 3-7-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A person who is:

- (1) convicted of a crime; and
- (2) imprisoned following conviction;

is deprived of the right of suffrage by the general assembly pursuant to Article 2, Section 8 of the Constitution of the State of Indiana.

(b) A person described in subsection (a) is ineligible to register under this article during the period that the person is:

- (1) imprisoned; or
- (2) otherwise subject to lawful detention.

(c) A person who is subject to lawful detention but has not been convicted of a crime is eligible to:

- (1) register under this article; and**
- (2) vote;**

until the person has been convicted of a crime and imprisoned following conviction.

SECTION 8. IC 3-8-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. ~~(a)~~ A certificate of nomination **executed under section 13 of this chapter** must be signed before a person authorized to administer oaths and certify the following information:

- (1) The name of the party, the town where the convention was held, the date of the convention, and the date of the town election.
- ~~(2) The name, residence, and office of each candidate that was nominated at the convention.~~
- ~~(3) That each candidate for town council resides in the ward for which the person is a candidate.~~
- ~~(4) That each candidate is a registered voter of the town and legally qualified to hold the office for which the person is a candidate.~~
- ~~(5)~~ **(2)** The title of the party that the candidates represent and the device by which the candidates may be designated on the ballots (a symbol to designate the party).
- ~~(6)~~ **(3)** The signature and residence address of the presiding officer and secretary of the convention.

~~(b) The certificate of nomination must be filed with the circuit court clerk of the county where the convention was held.~~

SECTION 9. IC 3-8-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and,

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except as provided in subsection (d), certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

(b) The petition of nomination must be accompanied by the following:

(1) The candidate's written consent to become a candidate.

(2) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

(4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(5) A statement indicating whether or not each candidate:

(A) has been a candidate for state or local office in a previous primary or general election; and

(B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

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(c) The statement required under subsection (b)(7) must:

(1) be certified by each circuit court clerk; and

(2) indicate the number of votes cast for secretary of state:

(A) at the last election for secretary of state; and

(B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The person with whom the petition of nomination must be filed under subsection (a) shall:

(1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and

(2) do one (1) of the following:

(A) If the petition includes a sufficient number of signatures, certify the petition.

(B) If the petition has an insufficient number of signatures, deny the certification.

(e) The secretary of state shall, by noon ~~August 20~~ **of the date specified under IC 3-8-7-16 for the certification of candidates and public questions by the election division:**

(1) certify; or

(2) deny certification under subsection (d) to;

each petition of nomination filed in the secretary of state's office to the appropriate county.

(f) The commission shall provide that the form of a petition of nomination includes the following information near the separate signature required by subsection (b)(2):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(g) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.

(h) If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.

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(i) A candidate may contest the denial of certification under subsection (d) based on:

(1) the circuit court clerk's or board of registration's failure to certify, under section 8 of this chapter, qualified petitioners; or

(2) the determination described in subsection (d)(1);

using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination.

SECTION 10. IC 3-8-7-11, AS AMENDED BY P.L.230-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in subsection (f), if a political party has filed a statement with the election division (or any of its predecessors) that the device selected by the political party be used to designate the candidates of the political party on the ballot for all elections throughout the state, the device must be used until:

(1) the device is changed in accordance with party rules; and

(2) a statement concerning the use of the new device is filed with the election division.

(b) Except as provided in subsection (c), the device may be any appropriate symbol.

(c) A political party or an independent candidate may not use **any of the following** as a device:

(1) A symbol that has previously been filed by a political party or candidate with the election division (or any of its predecessors).

(2) The coat of arms or seal of the state or of the United States.

(3) The national or state flag. ~~or~~

(4) Any other emblem common to the people.

(d) Not later than noon ~~August 20; before each~~ **seventy-four (74) days before a** general or municipal election, the election division shall provide each county election board with a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed so that ballots may be prepared using the best possible reproduction of the device.

(e) This subsection applies to a candidate or political party whose device is not filed with the election division under subsection (a) and is to be printed only on ballots to identify candidates for election to a local office. Not later than noon ~~August 20; before each~~ **seventy-four (74) days before a general or municipal election**, the chairman of the political party or the petitioner of nomination shall file a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed with the county election board of each county in which the name of the candidate or party will be placed on the ballot. The county election board shall provide the camera-ready copy of the

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device to the town election board of a town located wholly or partially within the county upon request by the town election board.

(f) If a copy of the device is not filed in accordance with subsection (a) or (e), or unless a device is designated in accordance with section 26 or 27 of this chapter, the county election board or town election board is not required to use any device to designate the list of candidates.

(g) If a device is filed with the election division or an election board after the commencement of printing of ballots for use at an election conducted under this title, the election board responsible for printing the ballots is not required to alter the ballots to include the device filed under this subsection.

SECTION 11. IC 3-8-7-25.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.5. (a) This section does not apply to the change of a candidate's name that occurs after absentee ballots have been printed bearing the candidate's name.

(b) A candidate who:

(1) is:

(A) nominated for election; or

(B) a candidate for nomination; and

(2) changed the candidate's legal name after:

(A) the candidate has been nominated; or

(B) the candidate has become a candidate for nomination;

shall file a statement setting forth the former and current legal name of the candidate with the office where a declaration of candidacy or certificate of nomination for the office is required to be filed. If the final date and hour has not passed for filing a declaration of candidacy, consent for nomination, or declaration of intent to be a write-in candidate, the candidate must file the request for a change of name on the form prescribed by the commission for the declaration or consent.

(c) The statement filed under subsection (b) must also indicate the following:

(1) That the candidate has previously filed a change of name request with a county voter registration office so that the name set forth in the statement is identical to the candidate's name on the county voter registration record.

(2) How the candidate's legal name was changed.

(d) Upon the filing of the statement, ~~the election division and~~ each county election board shall print the candidate's legal name on the ballot as set forth in the statement.

SECTION 12. IC 3-9-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A

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committee may disband at any time in the manner prescribed by this section.

(b) The commission or a county election board may administratively disband a committee in the manner prescribed by this section.

(c) The commission has exclusive jurisdiction to disband any of the following:

- (1) A candidate's committee for state office.
- (2) A candidate's committee for legislative office.
- (3) A legislative caucus committee.
- (4) A political action committee that has filed a statement or report with the election division.
- (5) A regular party committee that has filed a statement or report with the election division.

(d) A county election board has exclusive jurisdiction to disband any of the following:

- (1) A candidate's committee for a local office.
- (2) A candidate's committee for a school board office.
- (3) A political action committee that has filed a statement or report with the election board, unless the political action committee has also filed a report with the election division.
- (4) A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.

(e) The commission or a county election board may administratively disband a committee in the following manner:

- (1) Not later than the last Friday of January of each year, the election division or county election board shall review the list of committees that have filed statements of organization with the division or board under this article.
- (2) If the election division or county election board determines both of the following, the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee:
 - (A) The committee has not filed any report of expenditures during the previous three (3) calendar years.
 - (B) The committee last reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000), if the committee filed a report under this article.
- (3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.
- (4) The commission or board may issue an order administratively

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dissolving the committee and waiving any outstanding civil penalty previously imposed by the commission or board, if the commission or board makes the following findings:

(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.

~~(B)~~ The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust.

~~(C)~~ (B) According to the best evidence available to the commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

(5) If the commission or board administratively dissolves a committee under subdivision (4), the commission or board may also waive any outstanding civil penalty previously imposed by the commission or board against the committee, if the commission or board finds that the prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee to be wasteful or unjust.

~~(5)~~ (6) The election division shall arrange for the publication in the Indiana Register of an order administratively disbanding a committee. A county election board shall publish a notice under IC 5-3-1 stating that the board has disbanded a committee under this subsection. The notice must state the date of the order and the name of the committee, but the board is not required to publish the text of the order.

~~(6)~~ (7) An order issued under this subsection takes effect immediately upon its adoption, unless otherwise specified in the order.

(f) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:

(1) Give written notification of the dissolution and transfer a surplus of contributions less expenditures to any one (1) or a combination of the following:

(A) One (1) or more regular party committees.

(B) One (1) or more candidate's committees.

(C) The election division.

(D) An organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

(E) Contributors to the committee, on a pro rata basis.

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(2) Use the surplus in any other manner permitted under IC 3-9-3-4.

(g) Except as provided in subsection (e) concerning the waiver of civil penalties, a dissolution or transfer of funds does not relieve the committee or the committee's members from **any**:

(1) **civil liability, including the liability of the committee's chairman or treasurer for the payment of any debts incurred by or on behalf of the committee; or**

(2) criminal liability.

SECTION 13. IC 3-9-5-22, AS ADDED BY P.L.221-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) This section applies only to a large contribution that is received by a candidate for a state office, the candidate's committee, or the treasurer of the candidate's committee.

(b) As used in this section, "election" refers to any of the following:

(1) For a candidate nominated at a primary election, the primary election.

(2) For a candidate nominated at a state convention, the state convention.

(3) A general election.

(c) As used in this section, "large contribution" means either of the following:

(1) Contributions:

(A) that total at least one thousand dollars (\$1,000); and

(B) that are received

~~(i) after the end of a reporting period and before the deadline for the candidate's committee to file a report under section 6 of this chapter; and~~

~~(ii) not less than forty-eight (48) hours before an election.~~

(2) A single contribution that is at least ten thousand dollars (\$10,000) that is received at any time.

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division not later than:

(1) forty-eight (48) hours after a contribution described by subsection (c)(1) is received; or

(2) noon seven (7) days after a contribution described by subsection (c)(2) is received.

(e) A report filed under this section may be filed by facsimile transmission or as an electronic report when the requirements of IC 3-9-4 or this chapter have been met. A report required by subsection (d) must contain the following information for each large contribution:

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- (1) The name of the person making the contribution.
- (2) The address of the person making the contribution.
- (3) If the person making the contribution is an individual, the individual's occupation.
- (4) The total amount of the contribution.
- (5) The dates and times the contributions making up the large contribution described in subsection (c)(1) or a large contribution described in subsection (c)(2) were received by the treasurer, the candidate, or the candidate's committee.

(f) The commission shall prescribe the form for the report required by this section.

SECTION 14. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.2. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at a primary election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in a primary election, a ~~member of the~~ precinct election board **officer** shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22.1, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter described by either of the following is not required to provide proof of identification before voting in a primary election:

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. ~~is not required to provide proof of identification before voting in a primary election.~~

(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury

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that the voter satisfies either of the following:

(A) The voter is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee.

(B) The voter has a religious objection to being photographed.

SECTION 15. IC 3-10-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Whenever a proposed state constitutional amendment or other public question is submitted by the general assembly under Article 16 of the Constitution of the State of Indiana to the electorate of the state for a popular vote, the election division shall certify the public question to the county election board of each county.

(b) If the vote is to occur at a general election, the election division shall certify by noon ~~August 20 before the election~~ of the date specified under IC 3-8-7-16 for the election division to certify candidates and other public questions for the general election ballot. If a special election is to be held, the election division shall certify at least thirty (30) days before the election. Each county election board shall publish notice of the public question in accordance with IC 5-3-1.

SECTION 16. IC 3-10-8-1, AS AMENDED BY P.L.164-2006, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A special election shall be held in the following cases:

(1) Whenever two (2) or more candidates for a federal, state, legislative, circuit, or school board office receive the highest and an equal number of votes for the office, except as provided in Article 5, Section 5 of the Constitution of the State of Indiana or in IC 20.

(2) Whenever a vacancy occurs in the office of United States Senator, as provided in IC 3-13-3-1.

(3) Whenever a vacancy occurs in the office of United States Representative, unless the vacancy:

(A) occurs less than thirty (30) days before a general election; or

(B) exists following an announcement of extraordinary circumstances by the Speaker of the House of Representatives of the United States under 2 U.S.C. 8(b), if an election for the office would otherwise be conducted during the period described by 2 U.S.C. 8(b)(2)(A) or 2

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U.S.C. 8(b)(2)(B).

(4) Whenever a vacancy occurs in any local office the filling of which is not otherwise provided by law.

(5) Whenever required by law for a public question.

(6) Whenever ordered by a court under IC 3-12-8-17 or the state recount commission under IC 3-12-11-18.

(7) Whenever required under IC 3-13-5 to fill a vacancy in a legislative office unless the vacancy occurs less than thirty (30) days before a general election.

SECTION 17. IC 3-10-8-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) This section applies to a special election to fill one (1) or more vacancies in the office of United States Representative under 2 U.S.C. 8(b).**

(b) A special election conducted under this section shall be governed by other provisions of this title as far as applicable.

(c) A political party entitled to fill a candidate vacancy under IC 3-13-2 may nominate a candidate for election to the office under IC 3-13-2-3.

(d) If a candidate does not intend to affiliate with a political party described by subsection (c), the candidate may:

(1) be nominated as an independent or candidate of a political party by petition in accordance with IC 3-8-6; or

(2) file a declaration of intent to be a write-in candidate under IC 3-8-2-4(b).

(e) A certificate of candidate selection under IC 3-13-2-8, a petition of nomination, or a declaration of intent to be a write-in candidate must be filed with the election division not later than noon thirty-five (35) days before the special election is to be conducted.

(f) A candidate may file a notice of withdrawal with the election division not later than noon thirty-three (33) days before the special election is to be conducted.

(g) As required under 2 U.S.C. 8(b)(5)(B), and notwithstanding IC 3-11-10-14, an absentee ballot cast by an absent uniformed services voter or an overseas voter may be received by a county election board up to forty-five (45) days after the absentee ballot was transmitted to the voter.

(h) Notwithstanding IC 3-12-5-8(a), if the ballot is determined by the county election board to be otherwise valid, the circuit court clerk shall file an amendment to the certified statement previously filed under IC 3-12-5-6 with the election division not later than

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noon seven (7) days following the determination of the validity of the ballot. Notwithstanding IC 3-12-5-9, the election division, the secretary of state, and the governor shall prepare, execute, and transmit a replacement certificate of election if the amendment filed under this subsection results in a different candidate receiving the highest number of votes for the office.

SECTION 18. IC 3-11-1.5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If a proposed precinct establishment order includes a legal description of a precinct with a boundary that follows the boundary of a municipality, state legislative district, or municipal legislative district, the order must include the following:

(1) A description in metes and bounds that identifies the boundary as that of a municipality, state legislative district, or municipal legislative district.

(2) A notation on the map of the precinct indicating that the boundary is that of a municipality, state legislative district, or municipal legislative district.

(b) If a proposed precinct establishment order described by section 9 of this chapter includes a legal description of a boundary that follows a visible feature, the order must include a description in metes and bounds **or a shape file** that identifies the visible feature that forms the boundary.

SECTION 19. IC 3-11-2-10, AS AMENDED BY P.L.58-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed at the top of the ballot. The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. The instructions for voting a straight party ticket shall be placed to the right of the device.

(b) The instructions for voting a straight party ticket must conform as nearly as possible to the following: "To vote a straight (insert political party name) ticket for all (political party name) candidates on this ballot, make a voting mark on or in this circle and do not make any other marks on this ballot, **unless you want to vote for any candidates of a political party other than the (political party name). If you want to vote for candidates for offices other than candidates of the (political party name) party, you must:**

(1) make a voting mark on or in the square to the left of that candidate's name; or

(2) write in the name of the candidate on the ballot where

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1 write-in votes may be cast and make a voting mark on or in
2 the square to the left of the candidate's name you write in.

3 If more than one (1) candidate is to be elected to an office, you
4 must also make a voting mark on or in the square to the left of the
5 names of the candidates of the (political party name) party for
6 whom you want to vote for that office in addition to the names of
7 the candidates you want to vote for who are not (political party
8 name) candidates. **DO NOT VOTE FOR MORE CANDIDATES**
9 **FOR AN OFFICE THAN ARE TO BE ELECTED; IF YOU DO,**
10 **THE VOTES FOR THE (POLITICAL PARTY NAME)**
11 **CANDIDATES FOR THAT OFFICE WILL NOT BE COUNTED**
12 **AND IT IS POSSIBLE THAT ALL THE VOTES YOU CAST FOR**
13 **CANDIDATES FOR THE OFFICE WILL NOT BE COUNTED.**

14 If you wish to vote for a candidate seeking a nonpartisan office or on
15 a public question, you must make another voting mark on the
16 appropriate place on this ballot."

17 (c) If the ballot contains an independent ticket described in section
18 6 of this chapter and at least one (1) other independent candidate, the
19 ballot must also contain a statement that reads substantially as follows:
20 "A vote cast for an independent ticket will only be counted for the
21 candidates for President and Vice President or governor and lieutenant
22 governor comprising that independent ticket. This vote will NOT be
23 counted for any OTHER independent candidate appearing on the
24 ballot."

25 (d) The ballot must also contain a statement that reads substantially
26 as follows: "A write-in vote will NOT be counted unless the vote is for
27 a DECLARED write-in candidate. To vote for a write-in candidate, you
28 must make a voting mark on or in the square to the left of the name you
29 have written in or your vote will not be counted."

30 (e) The list of candidates of the political party shall be placed
31 immediately under the instructions for voting a straight party ticket.
32 The names of the candidates shall be placed three-fourths (3/4) of an
33 inch apart from center to center of the name. The name of each
34 candidate must have, immediately on its left, a square three-eighths
35 (3/8) of an inch on each side.

36 (f) The election division or the circuit court clerk may authorize the
37 printing of ballots containing a ballot variation code to ensure that the
38 proper version of a ballot is used within a precinct.

39 SECTION 20. IC 3-11-3-22, AS AMENDED BY P.L.164-2006,
40 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2007]: Sec. 22. (a) Each county election board shall have
42 printed in at least 14 point type on cards in English ~~braille~~, and any

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other language that the board considers necessary the following:

(1) Instructions for the guidance of voters in preparing their ballots.

(2) Instructions explaining the procedure for write-in voting.

(3) Write-in voting notice cards that must be posted in each precinct that utilizes a voting system that does not permit a voter to alter the voter's ballot after making a voting mark for a write-in candidate so that the voter may vote for a candidate for that office whose name appears on the ballot.

(b) The write-in notice cards described in subsection (a)(3) must inform all voters that a voter:

(1) who wants to cast write-in votes may cast the voter's ballot on the voting system required to be available to all voters in the precinct under IC 3-11-15-13.3(e); and

(2) may choose to cast the voter's ballot on the voting system described in subdivision (1) without being required to indicate to any individual that the voter wishes to cast a ballot on the voting system because the voter intends to cast a ballot for a write-in candidate.

(c) The board shall furnish the number of cards it determines to be adequate for each precinct to the inspector at the same time the board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards.

SECTION 21. IC 3-11-3-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) If a new candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after the printing of ballots and before the election, the ~~election division or~~ the election board may print ballots containing the name of the new candidate.

(b) If the ~~election division or the~~ election board determines that printing ballots under subsection (a) would be uneconomical or impractical, the chairman or committee that made the appointment or selection shall provide to the ~~division or the~~ election board the number of pasters the ~~division or the~~ board determines to be necessary for all ballots to reflect the appointment or selection. Pastors may not be given to or received by any person except the ~~co-directors of the election division (or the~~ election board and the board's chairman.

(c) If a candidate entitled to be placed on the ballot changes the candidate's legal name after the printing of ballots and before the election, the candidate who has changed the candidate's legal name shall provide to the ~~election division or the~~ election board the number of pasters the ~~division or the~~ board determines to be necessary for all

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1 ballots to reflect the change of name. If a candidate declines to do so
 2 under this subsection, the ~~division or the~~ board is not required to
 3 reprint ballots to reflect the change of legal name.

4 SECTION 22. IC 3-11-4-2, AS AMENDED BY P.L.103-2005,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 2. (a) A voter who wants to vote by absentee
 7 ballot must apply to the county election board for an official absentee
 8 ballot. Except as provided in subsection (b), the voter must sign the
 9 absentee ballot application.

10 (b) If a voter with disabilities is unable to **complete and** sign the
 11 absentee ballot application and the voter has not designated an
 12 individual to serve as attorney in fact for the voter, the county election
 13 board may designate an individual to **complete each part of the**
 14 **application and** sign the application on behalf of the voter. If an
 15 individual ~~applies~~ **files an application** for an absentee ballot as the
 16 properly authorized attorney in fact for a voter, the attorney in fact must
 17 attach a copy of the power of attorney to the application.

18 (c) A person may provide an individual with an application for an
 19 absentee ballot with the following information already printed or
 20 otherwise set forth on the application when provided to the individual:

- 21 (1) The name of the individual.
- 22 (2) The voter registration address of the individual.
- 23 (3) The mailing address of the individual.
- 24 (4) The date of birth of the individual.
- 25 (5) The voter identification number of the individual.

26 (d) A person may not provide an individual with an application for
 27 an absentee ballot with the following information already printed or
 28 otherwise set forth on the application when provided to the individual:

- 29 (1) The address to which the absentee ballot would be mailed, if
 30 different from the voter registration address of the individual.
- 31 (2) In a primary election, the major political party ballot requested
 32 by the individual.
- 33 (3) In a primary or general election, the types of absentee ballots
 34 requested by the individual.
- 35 (4) The reason why the individual is entitled to vote an absentee
 36 ballot:
- 37 (A) by mail; or
- 38 (B) before an absentee voter board (other than an absentee
 39 voter board located in the office of the circuit court clerk or a
 40 satellite office);

41 in accordance with ~~IC 3-11-4-18~~, **section 18 of this chapter**,
 42 IC 3-11-10-24, or IC 3-11-10-25.

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(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

(1) noon seven (7) days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied

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with Indiana laws governing the submission of absentee ballot applications.

(3) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(4) A statement that the person is executing the affidavit under the penalties of perjury.

(5) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 23. IC 3-11-4-3, AS AMENDED BY P.L.103-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Except as provided in section 6 of this chapter, an application for an absentee ballot must be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of the board of elections and registration) not earlier than ninety (90) days before election day nor later than the following:

(1) Noon on election day if the voter registers to vote under IC 3-7-36-14.

(2) Noon on the day before election day if the voter completes the application in the office of the circuit court clerk **and votes an absentee ballot under IC 3-11-10-26** or is an absent uniformed services voter or overseas voter who requests that the ballot be transmitted by fax under section 6(h) of this chapter.

(3) Noon on the day before election day if:

(A) the application is a mailed, transmitted by fax, or hand delivered application from a confined voter or voter caring for a confined person; and

(B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board **under IC 3-11-10-25.**

(4) Midnight on the eighth day before election day if the application:

(A) is a mailed application; **or**

(B) was transmitted by fax; **or**

(C) **was hand delivered;**

from other voters **who request to vote by mail under IC 3-11-10-24.**

SECTION 24. IC 3-11-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Applications may be made:

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- (1) in person;
- (2) by fax transmission; ~~or~~
- (3) by mail; **or**
- (4) by electronic mail with a scanned image of the application and signature of the applicant, if transmitted by an overseas voter acting under section 6 of this chapter;**

on application forms furnished by the county election board or approved by the commission.

(b) Application forms shall:

~~(1) be furnished to all central committees in the county no later than:~~

~~(A) June 15, for a general election or a special election ordered under IC 3-12-8-17 or IC 3-12-11-18 following the primary election; or~~

~~(B) January 15, for a primary election or a special election ordered under IC 3-12-8-17 or IC 3-12-11-18 following the general election;~~

~~(2) (1) be:~~

~~(A) mailed; or~~

~~(B) transmitted by fax; or~~

(C) transmitted by electronic mail with a scanned image of the application;

upon request, to a voter applying by mail, by telephone, by **electronic mail**, or by fax; and

~~(3) (2) be delivered to a voter in person who applies at the circuit court clerk's office.~~

(c) The county election board shall:

(1) accept; and

(2) transmit;

applications for absentee ballots under subsection (a) by fax **or electronic mail, if the county election board has access to a fax machine or electronic mail.** A county election board shall accept an application for an absentee ballot transmitted by fax even though the application is delivered to the county election board by a person other than the person submitting the application.

SECTION 25. IC 3-11-4-5.1, AS AMENDED BY P.L.1-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.1. (a) The commission shall prescribe the form of an application for an absentee ballot.

(b) This subsection does not apply to the form for an absentee ballot application to be submitted by an absent uniformed services voter or overseas voter that contains a standardized oath for those voters. The

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form of the application for an absentee ballot must do all of the following:

- (1) Require the applicant to swear to or affirm under the penalties of perjury that all of the information set forth on the application is true to the best of the applicant's knowledge and belief.
- (2) Require a person who assisted with the completion of the application to swear to or affirm under the penalties of perjury the statements set forth in section 2(f) of this chapter.
- (3) Set forth the penalties for perjury.

(c) The form prescribed by the commission shall require that a voter who:

- (1) requests an absentee ballot; and
- (2) is eligible to vote in the precinct under IC 3-10-11 or IC 3-10-12;

must include the affidavit required by IC 3-10-11 or a written affirmation described in IC 3-10-12.

(d) This subsection applies after December 31, 2007. The form prescribed by the commission must include a statement that permits an applicant to indicate whether:

- (1) the applicant has been certified and is currently a participant in the address confidentiality program under IC 5-26.5-2; and**
- (2) the applicant's legal residence is at the address set forth in the applicant's voter registration.**

If the applicant confirms these statements, the applicant may indicate the address of the office of the attorney general as the address at which the applicant resides and to which the absentee ballot is to be mailed.

SECTION 26. IC 3-11-4-17.5, AS AMENDED BY P.L.164-2006, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

- (1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;
- (2) the information set forth on the application appears to be true; and
- (3) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (3), the

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issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast an absentee ballot, and the voter's absentee ballot shall be treated as a provisional ballot.

(b) If:

(1) the applicant is not a voter of the precinct according to the registration record; or

(2) the application as completed and filed:

(A) contains a false statement; or

(B) does not otherwise comply with Indiana or federal law; as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) ~~This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d);~~ If the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

(1) not later than forty-eight (48) hours after the application is denied; and

(2) to the voter at the address at which the voter requested that the absentee ballot be mailed.

The notice must include information telling the applicant how the application can be corrected and can be approved, if possible.

(d) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

(1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and

(2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(e) If the applicant:

(1) is a voter of the precinct according to the registration record;

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(2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record; and

(3) provides a voter identification number on the application to permit transfer of registration under IC 3-7-13-13;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter.

SECTION 27. IC 3-11-4-18, AS AMENDED BY P.L.164-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail, the county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

(1) on the day of the receipt of the voter's application; or

(2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later. **If the election board determines that the county voter registration office has received an application from the applicant for registration at an address within the precinct indicated on the application, and that this application is pending under IC 3-7-33, the ballot shall be mailed in accordance with the applicable deadline set forth in subdivision (1) or (2) after the registration application is approved.**

(d) In addition to the ballot mailed under subsection (c), the county

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election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

(1) must be mailed:

(A) on the day of the receipt of the voter's application; or

(B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

(2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 28. IC 3-11-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A voter shall vote at the polls for the precinct where the voter resides except when authorized to vote in another precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12. ~~or at a special voting poll under section 6.5 of this chapter.~~

SECTION 29. IC 3-11-8-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) A county executive shall designate the polls for each precinct not less than twenty-nine (29) days before election day.

(b) The designation of a polling place under this section remains in effect until:

(1) the location of the polling place is altered by an order of the county executive or county election board under this chapter; or

(2) a precinct establishment order issued under IC 3-11-1.5:

(A) designates a new polling place location; or

(B) combines the existing precinct with another precinct established by the order.

~~(c) The county executive shall then file the report required by section 6.5 of this chapter concerning polls that are inaccessible to voters with disabilities.~~

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SECTION 30. IC 3-11-8-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.2. (a) A county executive shall give ten (10) days notice of the place of voting in each precinct by publication in the manner prescribed by IC 5-3-1-4. The notice must include the following information:

(1) For each precinct, state whether the polls are located in an accessible facility.

(2) If special polling places are designated under section 6.5 of this chapter:

(A) the location of each special polling place; and

(B) the procedures for elderly voters and voters with disabilities to apply to vote at a special polling place.

(b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c), a change may not be made within two (2) days before an election.

(c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires after the election.

SECTION 31. IC 3-11-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~Except as provided in section 6.5 of this chapter,~~ The county executive shall locate the polls for each precinct in an accessible facility.

SECTION 32. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a ~~member of the precinct election board officer~~ shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the

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proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5; a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter described by either of the following is not required to provide proof of identification before voting in an election:

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. is not required to provide proof of identification before voting in an election.

(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:

(A) The voter is:

- (i) indigent; and**
- (ii) unable to obtain proof of identification without the payment of a fee.**

(B) The voter has a religious objection to being photographed.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

- (1) The voter's name.
- (2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

- (1) ask the voter to provide or update the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the

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precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 33. IC 3-11-10-4, AS AMENDED BY P.L.198-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Upon receipt of an absentee ballot, a county election board (or the absentee voter board in the office of the circuit court clerk) shall immediately examine the signature of the absentee voter to determine its genuineness.

(b) This subsection does not apply to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears upon the envelope containing the absentee ballot with the signature of the voter as it appears upon the ~~application for the absentee ballot~~ **voter's affidavit of registration**. The board may also compare the signature on the ballot envelope with any other admittedly genuine signature of the voter.

(c) This subsection applies to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the ~~application for the absentee ballot~~ **voter's affidavit of registration**. The board may also compare the signature on the affidavit with any other admittedly genuine

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signature of the voter.

(d) If a member of the absentee voter board questions whether a signature on a ballot envelope or transmitted affidavit is genuine, the matter shall be referred to the county election board for consideration under section 5 of this chapter.

SECTION 34. IC 3-11-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) If a county election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a ~~large or~~ carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.**

(b) The envelope shall be securely sealed and endorsed with the ~~name and~~ official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only at the polls on election day while the polls are open."

SECTION 35. IC 3-11-10-12, AS AMENDED BY P.L.164-2006, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open. ~~and in sufficient time to enable~~ The precinct election ~~boards to board shall vote the~~ ballots **received** during the time the polls are open. **Any ballots received by the precinct election board after the polls are closed shall be returned to the county election board for counting under section 14 of this chapter.**

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

(1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and

(2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

(d) If the county election board is notified not later than 3 p.m. on election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection

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(c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board determines that the supplemental list may not be received before the closing of the polls, the board shall:

- (1) attempt to contact the precinct election board to inform the board regarding the content of the supplemental list; and
- (2) file a copy of the supplemental list for that precinct as part of the permanent records of the board.

(e) This subsection applies to a special write-in absentee ballot described in:

- (1) 42 U.S.C. 1973ff for federal offices; and
- (2) IC 3-11-4-12(a) for state offices.

If the county election board receives both a special write-in absentee ballot and the regular absentee ballot described by IC 3-11-4-12 from the same voter, the county election board shall reject the special write-in ballot and deliver only the regular absentee ballot to the precinct election board.

SECTION 36. IC 3-11-10-14, AS AMENDED BY P.L.198-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Subject to **IC 3-10-8-7.5** and section 11 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after the county election board has started the final delivery of the ballots to the precincts on election day **shall be delivered to the county election board for counting.**

(b) **An absentee ballot delivered to the county election board under subsection (a) shall be counted by the county election board if the ballot is not otherwise successfully challenged under this title.**

(c) **The election returns from the precinct shall be adjusted to reflect the votes on an absentee ballot required to be counted under subsection (b).**

(d) **Except as provided in subsection (e), absentee ballots received by the county election board after the close of the polls on election day are considered as arriving too late and need may not be delivered to the polls: counted.**

(e) **Absentee ballots received by the precinct election board as described in section 12(b) of this chapter after the close of the polls shall be returned to the county election board and be counted as provided in this section.**

SECTION 37. IC 3-11-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. At any time between the opening and closing of the polls on election day, the

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inspector, in the presence of the precinct election board, shall do all of the following:

(1) Open the outer or carrier envelope containing an absentee ballot envelope and application.

(2) Announce the absentee voter's name.

(3) Compare the signature upon the ~~application~~ **voter's affidavit of registration** with the signature upon the affidavit on the ballot envelope or transmitted affidavit attached to the ballot envelope.

SECTION 38. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail:

(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.

(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:

(A) a precinct election officer under IC 3-6-6;

(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

(C) a challenger or pollbook holder under IC 3-6-7; or

(D) a person employed by an election board to administer the election for which the absentee ballot is requested.

(3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(11) The voter is subject to lawful detention but has not been convicted of a crime.

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(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

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(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter.

SECTION 39. IC 3-11-10-25, AS AMENDED BY P.L.164-2006, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. (a) A voter who votes by absentee ballot because ~~of the voter:~~

(1) **has an** illness or injury; ~~or~~

(2) **is** caring for a confined person at a private residence; **or**

(3) is subject to lawful detention but has not been convicted of a crime;

and who is within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

(1) during the regular office hours of the circuit court clerk;

(2) at a time agreed to by the board and the voter;

(3) on any of the twelve (12) days immediately before election day; and

(4) only once before an election, unless:

(A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or

(B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

(1) agreed to by the board and the voter; and

(2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a

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voter who is confined due to illness or injury and will be outside the county on election day in accordance with the procedures set forth in subsection (b).

(e) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(f) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(g) This subsection applies to a voter who applies to vote an absentee ballot by mail. The county election board shall include a copy of the Absentee Voter's Bill of Rights with any absentee ballot mailed to the voter.

SECTION 40. IC 3-11-13-31.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.6. Whenever a ballot card voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.**

SECTION 41. IC 3-11-14-3.5, AS ADDED BY P.L.58-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

- (1) print all offices and public questions on a single ballot label; and
- (2) include a ballot variation code to ensure that the proper

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version of a ballot label is used within a precinct.

(c) Each type of ballot label or paster must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally. However, school board offices, public questions concerning the retention of a justice or judge, local nonpartisan judicial offices, and local public questions shall be placed at the beginning of separate columns or pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or

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candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. **A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.**

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking;

and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the

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1 first candidate: "Vote for not more than (insert the number of
2 candidates to be elected) candidate(s) for this office.".

3 (k) The cautionary statement described in IC 3-11-2-7 must be
4 placed at the top or beginning of the ballot label before the first office
5 is listed.

6 (l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c), and
7 IC 3-11-2-10(d) may be:

8 (1) placed on the ballot label; or

9 (2) posted in a location within the voting booth that permits the
10 voter to easily read the instructions.

11 (m) The ballot label must include a touch sensitive point or button
12 for voting a straight political party or independent ticket (described in
13 IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button
14 must be identified by:

15 (1) the name of the political party or independent ticket; and

16 (2) immediately below or beside the political party's or
17 independent ticket's name, the device of that party or ticket
18 (described in IC 3-11-2-5).

19 The name and device of each party or ticket must be of uniform size
20 and type, and arranged in the order established by subsection (g) for
21 listing candidates under each office. The instructions described in
22 IC 3-11-2-10(b) for voting a straight party ticket and the statement
23 concerning presidential electors required under IC 3-10-4-3 may be
24 placed on the ballot label or in a location within the voting booth that
25 permits the voter to easily read the instructions.

26 (n) A public question must be in the form described in
27 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive
28 point or button must be used instead of a square. Except as expressly
29 authorized or required by statute, a county election board may not print
30 a ballot label that contains language concerning the public question
31 other than the language authorized by a statute.

32 (o) The requirements in this section:

33 (1) do not replace; and

34 (2) are in addition to;

35 any other requirements in this title that apply to ballots for electronic
36 voting systems.

37 (p) The procedure described in IC 3-11-2-16 must be used when a
38 ballot label does not comply with the requirements imposed by this title
39 or contains another error or omission that might result in confusion or
40 mistakes by voters.

41 SECTION 42. IC 3-11-14-22.5 IS ADDED TO THE INDIANA
42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE UPON PASSAGE]: **Sec. 22.5. Whenever an electronic voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.**

SECTION 43. IC 3-11-17-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. As used in this chapter, "election" means the period that begins on the earlier of:**

(1) the day a voting system is prepared to receive absentee ballots to be cast on election day; or

(2) the day a candidate is listed on a ballot to be cast on election day;

and ends on the day a recount or contest following election day is completed.

SECTION 44. IC 3-11-17-3, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. (a)** If the secretary of state determines that a vendor is subject to a civil penalty under section 2 of this chapter, the secretary of state may assess a civil penalty. The civil penalty assessed under this section may not exceed three hundred thousand dollars (\$300,000), plus any investigative costs incurred and documented by the secretary of state.

(b) In computing the maximum civil penalty that may be assessed under subsection (a), if a violation occurs in more than one (1) county, the violation is considered a separate violation in each county in which the violation occurs.

SECTION 45. IC 3-11-17-6, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. (a)** The voting system technical oversight program account is established with the state general fund to provide money for administering and enforcing IC 3-11-7, IC 3-11-7.5, IC 3-11-15, IC 11 3-11-16, and this chapter.

(b) The election division shall administer the account. With the approval of the budget agency, funds in the account are available to augment and supplement the funds appropriated to the election division for the purposes described in this section.

(c) The expenses of administering the account shall be paid from the money in the account.

(d) The account consists of the following:

(1) All civil penalties collected under this chapter.

(2) Fees collected under IC 3-11-15-4.

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(3) Contributions to the account made in accordance with a settlement agreement executed with a voting system vendor.

(e) Money in the account at the end of a state fiscal year does not revert to the state general fund.

(f) All money in the account is continuously appropriated for the purposes specified in subsection (a).

SECTION 46. IC 3-11-17.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 17.5. Audits to Determine Compliance With Federal and State Election Record Retention Requirements

Sec. 1. Beginning January 1, 2008, the election division shall conduct audits of the status of precinct election material retained by a circuit court clerk under IC 3-10-1-31 and IC 3-10-1-31.1.

Sec. 2. The election division shall determine whether the precinct election material has been preserved in compliance with 42 U.S.C. 1974 and this title.

Sec. 3. Not later than the first Monday of June each year, the election division shall randomly select one percent (1%) of all precincts in Indiana to be audited under this chapter.

Sec. 4. If the election division determines that precinct election material is not being preserved in compliance with 42 U.S.C. 1974 and this title, the election division shall provide a written report describing the noncompliance to the county election board of the county that is responsible for the precinct election material.

SECTION 47. IC 3-11-18-5, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except for a municipality described in subsection (b), a plan must provide a vote center for use by voters residing in each municipality within the county conducting a municipal primary or a municipal election.

(b) ~~A vote center may not be used~~ In a municipal primary or municipal election conducted within a municipality that is partially located in a county that has ~~not~~ been designated a vote center pilot county, ~~a vote center may not be used by a voter who does not reside within that part of the municipality that is located in the county that has been designated a vote center pilot county.~~

SECTION 48. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Subject to section 7 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after ~~noon~~ the close of the polls on election day are

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considered as arriving too late and may not be counted.

SECTION 49. IC 3-11.5-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. At any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

- (1) open the outer or carrier envelope containing an absentee ballot envelope and application;
- (2) announce the absentee voter's name; and
- (3) compare the signature upon the ~~application with the signature upon the~~ affidavit on the ballot envelope or transmitted affidavit **with the signature on the voter's affidavit of registration.**

SECTION 50. IC 3-11.5-4-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. If a voter has not returned an absentee ballot, the voter may vote in person. However, before the voter may vote, the voter must return the ballot to the **precinct election board or the** county election board. The absentee ballot shall be marked "canceled" and preserved with the rejected ballots.

SECTION 51. IC 3-11.5-5-14, AS AMENDED BY P.L.198-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) This section applies to the counting of write-in absentee ballots for:

- (1) a federal office received under 42 U.S.C. 1973ff; and
- (2) a federal office, state office, or public question under IC 3-11-4-12(a).

(b) If a voter writes an abbreviation, a misspelling, or other minor variation instead of the correct name of a candidate or political party, that vote shall be counted if the intent of the voter can be determined.

(c) If a voter casts a ballot under this section for President or Vice President and writes in the name of a candidate or political party that has not:

- (1) certified a list of electors under IC 3-10-4-5; **or**
- (2) **included a list of electors on the declaration of intent to be a write-in candidate filed by a write-in candidate under IC 3-8-2-2.5;**

the vote for President or Vice President is void. The remaining votes on the ballot may be counted.

(d) As required by 42 U.S.C. 1973ff-2(b), and except as provided in this section, an absentee ballot subject to this section shall be submitted and processed in the same manner provided by this title

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1 **for a regular absentee ballot.**

2 ~~(d)~~ (e) IC 3-12-1-7 applies to a ballot subject to this section.

3 ~~(e)~~ (f) **As required under 42 U.S.C. 1973ff-2(b)**, a ballot subject
4 to this section may not be counted if:

5 (1) the ballot was submitted:

6 **(A) by an overseas voter who is not an absent uniformed**
7 **services voter; and**

8 **(B) from within the United States;**

9 (2) the **overseas** voter's application for a regular absentee ballot
10 was received by the ~~circuit court clerk or county election~~ board
11 ~~of registration~~ less than thirty (30) days before the election;

12 (3) the voter's completed regular state absentee ballot was
13 received by the ~~circuit court clerk or county election~~ board ~~of~~
14 ~~registration~~ by the deadline for receiving absentee ballots under
15 IC 3-11.5-4-7; or

16 (4) the ballot subject to this section was not received by the ~~circuit~~
17 ~~court clerk or county election~~ board ~~of registration~~ by the
18 deadline for receiving absentee ballots under IC 3-11.5-4-7.

19 SECTION 52. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005,
20 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]: Sec. 2.5. (a) A voter who:

22 (1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26
23 as a result of the voter's inability or declination to provide proof
24 of identification; and

25 (2) cast a provisional ballot;

26 may personally appear before the circuit court clerk or the county
27 election board not later than the deadline specified by section 1 of this
28 chapter for the county election board to determine whether to count a
29 provisional ballot.

30 (b) Except as provided in subsection (c), ~~or (e)~~; if the voter:

31 (1) provides proof of identification to the circuit court clerk or
32 county election board; and

33 (2) executes an affidavit before the clerk or board, in the form
34 prescribed by the commission, affirming under the penalties of
35 perjury that the voter is the same individual who:

36 (A) personally appeared before the precinct election board;
37 and

38 (B) cast the provisional ballot on election day;

39 the county election board shall find that the voter's provisional ballot
40 is valid and direct that the provisional ballot be opened under section
41 4 of this chapter and processed in accordance with this chapter.

42 ~~(c) If the voter executes an affidavit before the circuit court clerk or~~

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county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:

(1) the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day; and

(2) the voter:

(A) is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee; or

(B) has a religious objection to being photographed;

the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board.

(d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:

(1) find that the voter's provisional ballot is valid; and

(2) direct that the provisional ballot be:

(A) opened under section 4 of this chapter; and

(B) processed in accordance with this chapter.

(e) If the county election board determines that a voter described in subsection (b) or (c) has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:

(1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and

(2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.

(f) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) to:

(1) appear before the county election board; and

(2) execute an affidavit in the manner prescribed by subsection

(b); or (c);

the county election board shall find that the voter's provisional ballot is invalid.

SECTION 53. IC 3-12-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section

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1 applies to votes cast by any method.

2 (b) Except as provided in section 13 of this chapter, a ballot that has
3 been marked and cast by a voter in compliance with this title but may
4 otherwise not be counted solely as the result of the act or failure to act
5 of an election officer ~~may nevertheless~~ **shall** be counted ~~in a~~
6 ~~proceeding under IC 3-12-6, IC 3-12-8, or IC 3-12-11~~ unless evidence
7 of fraud, tampering, or misconduct affecting the integrity of the ballot
8 is presented. ~~by a party to the proceeding.~~

9 (c) The act or failure to act by an election officer is not by itself
10 evidence of fraud, tampering, or misconduct affecting the integrity of
11 the ballot.

12 SECTION 54. IC 3-12-2-7.5, AS AMENDED BY P.L.198-2005,
13 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2007]: Sec. 7.5. (a) This section applies to the counting of
15 write-in absentee ballots for:

- 16 (1) a federal office received under 42 U.S.C. 1973ff; and
- 17 (2) a federal office, state office, or public question under
- 18 IC 3-11-4-12.

19 (b) If a voter writes an abbreviation, misspelling, or other minor
20 variation instead of the correct name of a candidate or political party,
21 that vote shall be counted if the intent of the voter can be determined.

22 (c) If a voter casts a ballot under this section for President or Vice
23 President of the United States and writes in the name of a candidate or
24 political party that has not:

- 25 (1) certified a list of electors under IC 3-10-4-5; or
- 26 (2) included a list of electors on the declaration for candidacy
- 27 filed by a write-in candidate under IC 3-8-2-2.5;

28 the vote for President or Vice President is void. The remaining votes on
29 the ballot may be counted.

30 **(d) As required by 42 U.S.C. 1973ff-2(b), and except as provided**
31 **in this section, an absentee ballot subject to this section shall be**
32 **submitted and processed in the same manner provided by this title**
33 **for a regular absentee ballot.**

34 ~~(d)~~ (e) IC 3-12-1-7 applies to a ballot subject to this section.

35 ~~(e)~~ (f) **As required under 42 U.S.C. 1973ff-2(b)**, a ballot subject
36 to this section may not be counted if:

- 37 (1) the ballot was submitted:
 - 38 (A) by an overseas voter who is not an absent uniformed
 - 39 services voter; and
 - 40 (B) from within the United States;

- 41 **(2) the overseas voter's application for a regular absentee**
42 **ballot was received by the county election board less than**

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1 **thirty (30) days before the election;**

2 ~~(2)~~ (3) the voter's completed regular state absentee ballot was
3 received by the county election board by the deadline for
4 receiving absentee ballots under IC 3-11-10-11; or

5 ~~(3)~~ (4) the ballot subject to this section was not received by the
6 county election board by the deadline for receiving absentee
7 ballots under IC 3-11-10-11.

8 SECTION 55. IC 3-12-4-18, AS AMENDED BY P.L.221-2005,
9 SECTION 105, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE UPON PASSAGE]: Sec. 18. If electronic voting systems
11 are used in a precinct, the county election board may ~~request~~
12 ~~authorization from the state recount commission to~~ inspect the
13 registering counter or other recording device on any electronic voting
14 system showing the number of votes cast for any candidate or public
15 question. ~~If authorized by the state recount commission;~~ The board may
16 conduct an inspection either before it proceeds to count and tabulate
17 the vote or within one (1) day after the count and tabulation are
18 finished.

19 SECTION 56. IC 3-12-6-10 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each
21 petitioner shall furnish a cash deposit or file a bond with corporate
22 surety to the approval of the court for the payment of all costs of the
23 recount. The minimum amount of the cash deposit or bond is one
24 hundred dollars (\$100). **The maximum amount of the cash deposit**
25 **or bond may not exceed the amount specified under subsection (b)**
26 **or (c).**

27 (b) This subsection applies if, on the face of the election returns, the
28 difference between the number of votes cast for the candidate
29 nominated or elected and the petitioner is not more than one percent
30 (1%) of the total votes cast for all candidates for the nomination or
31 office. If the number of precincts to be recounted exceeds ten (10), the
32 amount of the deposit or bond shall be increased by ten dollars (\$10)
33 for each precinct in excess of ten (10).

34 (c) This subsection applies if, on the face of the election returns, the
35 difference between the number of votes cast for the candidate
36 nominated or elected and the petitioner is more than one percent (1%)
37 of the total votes cast for all candidates for the nomination or office. If
38 the number of precincts to be recounted exceeds ten (10), the amount
39 of the deposit or bond shall be increased by one hundred dollars (\$100)
40 for each precinct in excess of ten (10).

41 (d) If a petition is joint, a joint bond may be furnished.

42 (e) The costs of a recount may include the following:

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(1) Compensation of recount commissioners.

(2) Compensation of additional employees required to conduct the recount, including overtime payments to regular employees who are eligible to receive such payments.

(3) Postage and telephone charges directly related to the recount.

(f) The costs of a recount may not include the following:

(1) General administrative costs.

(2) Security.

(3) Allowances for meals or lodging.

(g) If the recount results in a reduction of at least fifty percent (50%) but less than one hundred percent (100%) of the margin of the total certified votes, the petitioner shall receive a refund of that percentage of the unexpended balance. If after a recount, it is determined that a petitioner has been nominated or elected, the deposit or the bond furnished by that petitioner shall be returned to that petitioner in full.

(h) Any unexpended balance remaining in a deposit after payment of all costs of the recount and the refund, if a refund is made, shall be deposited in the county general fund.

SECTION 57. IC 3-13-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Except as provided in section 18 or 20 of this chapter **or IC 3-10-8-7.5**, this chapter applies to the filling of a candidate vacancy that arises for any reason if the vacancy leaves a major political party without a candidate for the office and occurs before the thirtieth day before a general, special, or municipal election.

SECTION 58. IC 3-13-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **Except as provided in IC 3-10-8-7.5**, a candidate vacancy for United States Representative shall be filled by a caucus comprised by the precinct committeemen of the political party whose precincts are within the congressional district.

SECTION 59. IC 3-13-1-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.5. (a) A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the commission with:

(1) the chairman of the caucus **or committee conducting a meeting under this chapter**; and

(2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter; at least seventy-two (72) hours before the time fixed for the caucus **or committee meeting**.

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(b) A candidate's declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 60. IC 3-13-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) At a meeting called under section 7 of this chapter, the eligible participants shall:

- (1) establish the ~~caucus~~ rules of procedure **for the caucus or meeting**, except as otherwise provided in this chapter; and
- (2) select, by a majority vote of those casting a vote for a candidate, a person to fill the candidate vacancy described in the call for the meeting.

(b) If more than one (1) person seeks to fill the vacancy, the selection shall be conducted by secret ballot.

SECTION 61. IC 3-13-1-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) **This section applies to a certificate of candidate selection filed under section 15 or 20 of this chapter.**

(b) **To enforce the requirements of IC 3-5-4-1.9, the election division, a circuit court clerk, or any other official responsible for receiving a certificate of candidate selection may not receive a filing of a certificate of candidate selection if:**

- (1) **a notice of a caucus or meeting;**
- (2) **a declaration of candidacy filed by the individual selected as the candidate; or**
- (3) **the certificate of candidate selection;**

is or was offered to be filed after the deadline for the filing provided by this chapter.

SECTION 62. IC 3-13-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The state chairman **(or a person designated by the state chairman)** shall preside over a caucus meeting held under this chapter.

(b) A person who desires to be a candidate to fill a vacancy under this chapter must file:

- (1) a declaration of candidacy with the chairman of the caucus;

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and

(2) a statement of economic interests under IC 2-2.1-3-2 with the secretary of the senate or principal clerk of the house of representatives;

at least seventy-two (72) hours before the time fixed for the caucus.

(c) In addition to the procedures prescribed by this chapter, the chairman and precinct committeemen may adopt rules of procedure that are necessary to conduct business.

SECTION 63. IC 3-14-2-1, AS AMENDED BY P.L.103-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. A person who knowingly does any of the following commits a Class D felony:

(1) Conspires with an individual for the purpose of encouraging the individual to submit a false application for registration.

(2) Conspires with an individual for the purpose of encouraging the individual to vote illegally.

(3) Pays or offers to pay an individual for doing any of the following:

(A) Applying for an absentee ballot.

(B) Casting an absentee ballot.

(C) Registering to vote.

(D) Requesting that another individual sign a petition to permit a candidate or a public question to be placed on the ballot at an election if the payment is based on the number of signatures obtained on petitions by the individual.

~~(D)~~ (E) Voting.

(4) Accepts the payment of any property for doing any of the following:

(A) Applying for an absentee ballot.

(B) Casting an absentee ballot.

(C) Registering to vote.

(D) Requesting that another individual sign a petition to permit a candidate or a public question to be placed on the ballot at an election if the payment is based on the number of signatures obtained on petitions by the individual.

~~(D)~~ (E) Voting.

SECTION 64. IC 5-4-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Except as provided in subsection (b) **or (c)**, the following city, town, county, or township officers and employees shall file an individual surety bond:

(1) City judges, controllers, clerks, and clerk-treasurers.

(2) Town judges and clerk-treasurers.

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(3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners, assessors, and clerks.

(4) Township trustees and assessors.

(5) Those employees directed to file an individual bond by the fiscal body of a city, town, or county.

(b) The fiscal body of a city, town, county, or township may by ordinance authorize the purchase of a blanket bond or a crime insurance policy endorsed to include faithful performance to cover the faithful performance of all employees, commission members, and persons acting on behalf of the local government unit including those officers described in subsection (a).

(c) A county may purchase a blanket bond to cover the elected officers of one (1) or more local government units in the county, including those officers described in subsection (a). The local units for whom the county purchases a blanket bond shall make the necessary appropriation to reimburse the county. The cost of a blanket bond purchased under this subsection is apportioned to each unit in the same ratio as the number of elected officers of the unit covered by the bond bears to the total number of elected officers covered by the bond.

~~(c)~~ (d) The fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

(1) The amount must equal fifteen thousand dollars (\$15,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).

(2) The amount may not be less than fifteen thousand dollars (\$15,000) nor more than three hundred thousand dollars (\$300,000).

County auditors shall file bonds in amounts of not less than fifteen thousand dollars (\$15,000), as fixed by the fiscal body of the county. The amount of the bond of any other person required to file an individual bond shall be fixed by the fiscal body of the unit at not less than eight thousand five hundred dollars (\$8,500).

~~(d)~~ (e) A controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file an individual surety bond in an amount:

(1) fixed by the board of directors of the solid waste management district; and

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(2) that is at least fifteen thousand dollars (\$15,000).

~~(e)~~ (f) Except as provided under subsection ~~(d)~~, (e), a person who is required to file an individual surety bond by the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file a bond in an amount fixed by the board of directors.

~~(f)~~ (g) In 1982 and every four (4) years after that, the state examiner shall review the bond amounts fixed under this section and report in an electronic format under IC 5-14-6 to the general assembly whether changes are necessary to ensure adequate and economical coverage.

~~(g)~~ (h) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section, in consultation with the commission on public records under IC 5-15-5.1-6.

SECTION 65. IC 5-10.1-2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: **Sec. 9. (a) The agreement shall be modified to exclude services performed by an election official or an election worker for calendar year 2007 in which the remuneration paid for such services is less than one thousand three hundred dollars (\$1,300), and for each calendar year after 2007 in which the remuneration paid is less than the adjusted amount, as described in subsection (b), beginning with services performed in the year that this modification was mailed or delivered by other means to the Commissioner of Social Security.**

(b) The one thousand three hundred dollar (\$1,300) limit on the excludable amount of remuneration paid in a calendar year for the services specified in this modification is subject to adjustment for calendar years after 2007 to reflect changes in wages in the economy without any further modification of the agreement, with respect to such services performed during such calendar years, in accordance with Section 218(c)(8)(B) of the Social Security Act.

(c) This exclusion applies to all coverage groups of the state and its political subdivisions currently (as of the date this modification is executed), including under this agreement and to which the agreement is hereafter made applicable.

SECTION 66. IC 20-23-8-10, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10. (a) A change in a plan may be initiated by one (1) of the following procedures:**

(1) By filing a petition signed by at least ~~twenty~~ ten percent ~~(20%)~~ (10%) of the active voters (as defined in IC 3-5-2-1.7) of the school corporation with the clerk of the circuit court.

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(2) By a resolution adopted by the governing body of the school corporation.

(3) By ordinance adopted by a city legislative body under section 13 of this chapter.

(b) A petition, resolution, or ordinance must set forth a description of the plan that conforms with section 7 of this chapter.

~~(c) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), a change in a plan may be initiated by filing a petition signed by ten percent (10%) or more of the voters of the school corporation with the clerk of the circuit court.~~

SECTION 67. IC 20-23-8-14, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Not more than ten (10) days after a governing body has:

- (1) initiated;
- (2) approved; or
- (3) disapproved;

a plan initiated by the petition filed with it, the governing body shall publish a notice one (1) time in a newspaper of general circulation in the county of the school corporation. If a newspaper of general circulation is not published in the county of the school corporation, the governing body shall publish a notice one (1) time in a newspaper of general circulation published in a county adjoining the county of the school corporation.

(b) The notice must set out the text of a plan initiated by the governing body or another plan filed with the governing body before the preparation of the notice. The notice must also state the right of a voter, as provided in this section, to file a petition for alternative plans or a petition protesting the adoption of a plan or plans to which the notice relates.

(c) If the governing body fails to publish a notice required by this section, the governing body shall, not more than five (5) days after the expiration of the ten (10) day period for publication of notice under this section, submit the petition that has been filed with the clerk to the state board, whether or not the plan contained in the petition or the petition meets the requirements of this chapter.

(d) Not later than one hundred twenty (120) days after the publication of the notice, voters of the school corporation may file with the clerk a petition protesting a plan initiated or approved by the governing body or a petition submitting an alternative plan as follows:

- (1) A petition protesting a plan ~~shall~~ **must** be signed by at least

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1 ~~twenty ten percent (20%)~~ **(10%)** of the **active** voters **(as defined**
 2 **in IC 3-5-2-1.7)** of the school corporation or five hundred (500)
 3 voters of the school corporation, whichever is less.

4 (2) A petition submitting an alternative plan ~~shall~~ **must** be signed
 5 by at least ~~twenty ten percent (20%)~~ **(10%)** of the **active** voters
 6 **(as defined in IC 3-5-2-1.7)** of the school corporation.

7 A petition filed under this subsection shall be certified by the clerk and
 8 shall be filed with the governing body in the same manner as is
 9 provided for a petition in section 11 of this chapter.

10 (e) The governing body or the voters may not initiate or file
 11 additional plans until the plans that were published in the notice or
 12 submitted as alternative plans not later than one hundred twenty (120)
 13 days after the publication of the notice have been disposed of by:

14 (1) adoption;

15 (2) defeat at a special election held under section 16 of this
 16 chapter; or

17 (3) combination with another plan by the state board under
 18 section 15 of this chapter.

19 SECTION 68. IC 20-23-14.5 IS ADDED TO THE INDIANA
 20 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2007]:

22 **Chapter 14.5. Election of Governing Body Members in**
 23 **Mishawaka**

24 **Sec. 1. In a school city established under IC 20-23-4 located in**
 25 **a city having a population of more than forty-six thousand five**
 26 **hundred (46,500) but less than fifty thousand (50,000), if a majority**
 27 **of the voters voting in the municipal election held on November 6,**
 28 **2007, vote in favor of an elected school board, the governing body**
 29 **consists of a board of trustees of seven (7) members elected in the**
 30 **manner provided in this chapter.**

31 **Sec. 2. (a) For purposes of this section, a reference to a common**
 32 **council district of the city is a reference to the district as it existed**
 33 **on January 1, 2007.**

34 **(b) The city is divided into the following three (3) districts:**

35 **(1) District One consists of the first district of the common**
 36 **council and the second district of the common council.**

37 **(2) District Two consists of the third district of the common**
 38 **council and the fourth district of the common council.**

39 **(3) District Three consists of the fifth district of the common**
 40 **council and the sixth district of the common council.**

41 **Sec. 3. As used in this chapter, "district" refers to a district of**
 42 **the governing body established by section 2(b) of this chapter.**

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1 **Sec. 4. Beginning with the general election held in November**
 2 **2008, and every four (4) years thereafter, three (3) members of the**
 3 **governing body shall be elected by voters of the districts as**
 4 **provided in this chapter. The candidate who receives the greatest**
 5 **number of votes among all candidates for a district seat is elected.**

6 **Sec. 5. (a) Beginning with the general election held in November**
 7 **2008, and every four (4) years thereafter, one (1) member of the**
 8 **governing body shall be elected by all the voters of the school city**
 9 **as provided in this chapter. The candidate who receives the**
 10 **greatest number of votes among all candidates for an at-large seat**
 11 **is elected.**

12 **(b) Beginning with the general election held in November 2010,**
 13 **and every four (4) years thereafter, three (3) members of the**
 14 **governing body shall be elected by all the voters of the school city**
 15 **as provided in this chapter. The three (3) candidates who receive**
 16 **the greatest number of votes among all candidates for an at-large**
 17 **seat are elected.**

18 **Sec. 6. Except as provided in this chapter, IC 3 applies to an**
 19 **election held under this chapter.**

20 **Sec. 7. The circuit court clerk shall prepare a separate ballot to**
 21 **be used for governing body elections. Candidates shall appear on**
 22 **the ballot in alphabetical order.**

23 **Sec. 8. (a) The term of a member of the governing body is four**
 24 **(4) years, beginning on January 1 following the member's election.**

25 **(b) A member may be reelected.**

26 **SECTION 69. IC 24-5-14-3 IS AMENDED TO READ AS**
 27 **FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) As used in this**
 28 **chapter, "commercial telephone solicitation" means any unsolicited call**
 29 **to a subscriber when:**

30 (1) the person initiating the call has not had a prior business or
 31 personal relationship with the subscriber; and

32 (2) the purpose of the call is to solicit the purchase or the
 33 consideration of the purchase of goods or services by the
 34 subscriber.

35 (b) The term does not include calls initiated by the following:

36 (1) The state or a political subdivision (as defined by
 37 IC 36-1-2-13) for exclusively public purposes.

38 (2) The United States or any of its subdivisions for exclusively
 39 public purposes (involving real property in Indiana).

40 **(3) A public opinion polling organization.**

41 **SECTION 70. IC 24-5-14-5 IS AMENDED TO READ AS**
 42 **FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) This section does**

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not apply to messages:

- (1) from school districts to students, parents, or employees;
- (2) to subscribers with whom the caller has a current business or personal relationship; ~~or~~
- (3) advising employees of work schedules; **or**
- (4) surveying public opinion by a public opinion polling organization.**

(b) A caller may not use or connect to a telephone line an automatic dialing-announcing device unless:

- (1) the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or
- (2) the message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered.

SECTION 71. IC 36-2-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The auditor may administer the following:

- (1) Oaths necessary in the performance of the auditor's duties.
- (2) The oath of office to an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.
- (3) Oaths relating to the duty of an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.
- (4) The oath of office to a member of the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(b) The auditor may take acknowledgments of deeds and mortgages executed for the security of trust funds the auditor is required to lend.

SECTION 72. IC 36-5-1-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.1. (a) Except as provided in subsection (g), if the county executive makes the findings required by section 8 of this chapter, it may adopt an ordinance incorporating the town. The ordinance must:

- (1) provide that:
 - (A) all members of the town legislative body are to be elected at large (if the town would have a population of less than three thousand five hundred (3,500)); or
 - (B) divide the town into not less than three (3) nor more than seven (7) districts; and
- (2) direct the county election board to conduct an election in the town on the date of the next general or municipal election to be held in any precincts in the county.

An election conducted under this section must comply with IC 3 concerning town elections. If ~~on~~ the date that an ordinance was adopted

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under this section, absentee ballots for a general or municipal election have been delivered under IC 3-11-4-15 for voters within a precinct in the town, **is not later than June 1 of a general or municipal election year**, the election must be conducted on the date of the next general or municipal election held in any precincts in the county after the election for which absentee balloting is being conducted. However, a primary election may not be conducted before an election conducted under this section, regardless of the population of the town.

(b) Districts established by an ordinance adopted under this section must comply with IC 3-11-1.5.

(c) If any territory in the town is not included in one (1) of the districts established under this section, the territory is included in the district that:

(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

(d) If any territory in the town is included in more than one (1) of the districts established under this section, the territory is included in the district that:

(1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;

(2) is contiguous to that territory; and

(3) contains the least population of all districts contiguous to that territory.

(e) Except as provided in subsection (f), an ordinance adopted under this section becomes effective when filed with:

(1) the office of the secretary of state; and

(2) the circuit court clerk of each county in which the town is located.

(f) An ordinance incorporating a town under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance under this section that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

(g) Proceedings to incorporate a town across county boundaries must have the approval of the county executive of each county that contains a part of the proposed town. Each county that contains a part of the proposed town must adopt identical ordinances providing for the incorporation of the town.

SECTION 73. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 3-5-4-6; IC 3-11-3-4; IC 3-11-8-6.5;

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1 IC 3-11-11-1.5; IC 3-11-11-1.6; IC 3-14-2-29.

2 SECTION 74. [EFFECTIVE JULY 1, 2007] (a) The definitions in
3 IC 3-5-2 apply throughout this SECTION.

4 (b) An envelope printed before July 1, 2007, in conformity with
5 IC 3-11-10-8, before its amendment by this act, may continue to be
6 used by a county election board until December 31, 2007. An
7 envelope used under IC 3-11-10-8 after December 31, 2007, must
8 comply with IC 3-11-10-8, as amended by this act.

9 (c) This SECTION expires December 31, 2008.

10 SECTION 75. [EFFECTIVE UPON PASSAGE] (a) IC 3-11-17-1.5,
11 as added by this act, and IC 3-11-17-3, as amended by this act,
12 apply to a violation that occurs after June 30, 2007.

13 (b) This SECTION expires July 1, 2012.

14 SECTION 76. [EFFECTIVE UPON PASSAGE] (a) The Spencer
15 County election board shall place the following public question on
16 the November 2007 municipal election ballot in the town of
17 Grandview in Spencer County:

18 "Would you support funding a storm water utility through a
19 fee added to your utility bill?".

20 (b) The county election board shall print the following
21 immediately below the public question stated in subsection (a):

22 "The vote on these statements is only advisory. The result of
23 the vote on these statements is not binding on the Town of
24 Grandview or any public official.".

25 (c) The county election board shall tabulate the votes cast on the
26 public question described in this SECTION and certify the results
27 under IC 3-12-4-9. The circuit court clerk shall send a copy of the
28 certification required by this subsection to the legislative body of
29 the town of Grandview.

30 (d) IC 3 applies to the public question placed on the ballot under
31 this SECTION to the extent IC 3 is not inconsistent with this
32 SECTION.

33 (e) This SECTION expires July 1, 2008.

34 SECTION 77. [EFFECTIVE UPON PASSAGE] (a) The definitions
35 in IC 3-5-2 apply throughout this SECTION.

36 (b) This SECTION applies to a proposed precinct establishment
37 order:

38 (1) that was filed with the election division:

39 (A) after January 31, 2006; and

40 (B) before February 1, 2007;

41 (2) with respect to which technical comments were received
42 from the office of census data concerning some or all of the

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1 order, which technical comments were transmitted to the
2 election division before February 1, 2007; and

3 (3) that was not approved by the commission or the election
4 division under IC 3-11-1.5 before February 1, 2007.

5 (c) Beginning June 1, 2007, and not later than August 31, 2007,
6 the proposed precinct establishment order, as amended by the
7 election division to respond to technical comments or to ensure
8 compliance with state law, may be approved under IC 3-11-1.5-18
9 by the election division or by the Indiana election commission.

10 (d) Notwithstanding IC 3-11-1.5, a proposed precinct
11 establishment order approved under this SECTION is effective
12 upon the earlier of the adoption of the order by the county under
13 IC 3-11-1.5-18(e), or upon the approval of the commission under
14 IC 3-11-1.5.

15 (e) This SECTION expires January 1, 2008.

16 SECTION 78. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 292, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, delete lines 6 through 42.

Page 4, delete lines 1 through 41.

Page 12, line 7, strike "before the deadline".

Page 12, strike line 8.

Page 12, line 9, strike "6 of this chapter."

Page 12, line 10, reset in roman "not less than forty-eight (48) hours before an election."

Page 16, delete lines 11 through 42.

Page 17, delete line 1.

Page 24, line 31, strike "large or".

Page 28, between lines 30 and 31, begin a new paragraph and insert:
"SECTION 36. IC 3-11-17-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. As used in this chapter, "election" means the period that begins on the earlier of:**

(1) the day a voting system is prepared to receive absentee ballots to be cast on election day; or

(2) the day a candidate is listed on a ballot to be cast on election day;

and ends on the day a recount or contest following election day is completed.

SECTION 37. IC 3-11-17-3, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** If the secretary of state determines that a vendor is subject to a civil penalty under section 2 of this chapter, the secretary of state may assess a civil penalty. The civil penalty assessed under this section may not exceed three hundred thousand dollars (\$300,000), plus any investigative costs incurred and documented by the secretary of state.

(b) In computing the maximum civil penalty that may be assessed under subsection (a), if a violation occurs in more than one (1) county, the violation is considered a separate violation in each county in which the violation occurs.

SECTION 38. IC 3-11-17-4, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The secretary of state is **not** subject to IC 4-21.5

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in imposing a civil penalty under this chapter."

Page 29, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 40. IC 3-11-17.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 17.5. Audits to Determine Compliance With Federal and State Election Record Retention Requirements

Sec. 1. Beginning January 1, 2008, the secretary of state shall conduct audits of the status of precinct election material retained by a circuit court clerk under IC 3-10-1-31 and IC 3-10-1-31.1.

Sec. 2. The secretary of state shall determine whether the precinct election material has been preserved in compliance with 42 U.S.C. 1974 and this title.

Sec. 3. Not later than the first Monday of June each year, the secretary of state shall randomly select one percent (1%) of all precincts in Indiana to be audited under this chapter.

Sec. 4. If the secretary of state determines that precinct election material is not being preserved in compliance with 42 U.S.C. 1974 and this title, the secretary of state shall provide a written report describing the noncompliance to the county election board of the county that is responsible for the precinct election material.

SECTION 41. IC 3-11-18-5, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except for a municipality described in subsection (b), a plan must provide a vote center for use by voters residing in each municipality within the county conducting a municipal primary or a municipal election.

(b) ~~A vote center may not be used~~ In a municipal primary or municipal election conducted within a municipality that is partially located in a county that has ~~not~~ been designated a vote center pilot county, ~~a vote center may not be used by a voter who does not reside within that part of the municipality that is located in the county that has been designated a vote center pilot county.~~

Page 36, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 55. [EFFECTIVE UPON PASSAGE] (a) IC 3-11-17-1.5, as added by this act, and IC 3-11-17-3 and IC 3-11-17-4, both as amended by this act, apply to a violation that occurs after June 30, 2007.

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(b) This SECTION expires July 1, 2012."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 292 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 5, Nays 2.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 292, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40.5. "Proof of identification" refers to a document that satisfies all the following:

- (1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.
- (2) The document shows a photograph of the individual to whom the document was issued.
- (3) The document includes an expiration date, and the document:
 - (A) is not expired; or
 - (B) expired after the date of the most recent general election.
- (4) The document was issued by **any of the following:**
 - (A) The United States. ~~or~~ Notwithstanding subdivision (3), a document issued by the United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that:**
 - (i) otherwise complies with the requirements of this section; and**
 - (ii) has no expiration date or states that the document has an indefinite expiration date;**
 - is sufficient proof of identification for purposes of this title.**
 - (B) The state of Indiana.**
 - (C) An approved institution of higher learning (as defined**

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in IC 20-12-21-3).".

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 4. IC 3-5-4.5-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a) This section applies to an absentee ballot cast by an individual confined in a long term care facility.**

(b) A person may not challenge the right of an individual to vote at an election by absentee ballot solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record."

Page 3, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 7. IC 3-7-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) A person who is:**

- (1) convicted of a crime; and
- (2) imprisoned following conviction;

is deprived of the right of suffrage by the general assembly pursuant to Article 2, Section 8 of the Constitution of the State of Indiana.

(b) A person described in subsection (a) is ineligible to register under this article during the period that the person is:

- (1) imprisoned; or
- (2) otherwise subject to lawful detention.

(c) A person who is subject to lawful detention but has not been convicted of a crime is eligible to:

- (1) register under this article; and
- (2) vote;

until the person has been convicted of a crime and imprisoned following conviction."

Page 10, line 25, reset in roman "by facsimile".

Page 10, line 26, reset in roman "transmission or".

Page 10, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 14. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.2. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at a primary election shall provide proof of identification.**

(b) Except as provided in subsection (e), before the voter proceeds to vote in a primary election, a ~~member of the precinct election board~~ officer shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

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(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22.1, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter described by either of the following is not required to provide proof of identification before voting in a primary election:

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. is not required to provide proof of identification before voting in a primary election.

(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:

(A) The voter is:

- (i) indigent; and**
- (ii) unable to obtain proof of identification without the payment of a fee.**

(B) The voter has a religious objection to being photographed."

Page 11, delete lines 1 through 33.

Page 13, delete lines 33 through 40.

Page 14, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 19. IC 3-11-2-10, AS AMENDED BY P.L.58-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed at the top of the ballot. The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. The instructions for voting a straight party ticket shall be placed to the right of the device.

(b) The instructions for voting a straight party ticket must conform as nearly as possible to the following: "To vote a straight (insert political party name) ticket for all (political party name) candidates on

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this ballot, make a voting mark on or in this circle and do not make any other marks on this ballot, **unless you want to vote for any candidates of a political party other than the (political party name). If you want to vote for candidates for offices other than candidates of the (political party name) party, you must:**

(1) make a voting mark on or in the square to the left of that candidate's name; or

(2) write in the name of the candidate on the ballot where write-in votes may be cast and make a voting mark on or in the square to the left of the candidate's name you write in.

If more than one (1) candidate is to be elected to an office, you must also make a voting mark on or in the square to the left of the names of the candidates of the (political party name) party for whom you want to vote for that office in addition to the names of the candidates you want to vote for who are not (political party name) candidates. DO NOT VOTE FOR MORE CANDIDATES FOR AN OFFICE THAN ARE TO BE ELECTED; IF YOU DO, THE VOTES FOR THE (POLITICAL PARTY NAME) CANDIDATES FOR THAT OFFICE WILL NOT BE COUNTED AND IT IS POSSIBLE THAT ALL THE VOTES YOU CAST FOR CANDIDATES FOR THE OFFICE WILL NOT BE COUNTED.

If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

(c) If the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

(d) The ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(e) The list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths

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(3/8) of an inch on each side.

(f) The election division or the circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 20. IC 3-11-3-22, AS AMENDED BY P.L.164-2006, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English ~~braille~~, and any other language that the board considers necessary the following:

- (1) Instructions for the guidance of voters in preparing their ballots.
- (2) Instructions explaining the procedure for write-in voting.
- (3) Write-in voting notice cards that must be posted in each precinct that utilizes a voting system that does not permit a voter to alter the voter's ballot after making a voting mark for a write-in candidate so that the voter may vote for a candidate for that office whose name appears on the ballot.

(b) The write-in notice cards described in subsection (a)(3) must inform all voters that a voter:

- (1) who wants to cast write-in votes may cast the voter's ballot on the voting system required to be available to all voters in the precinct under IC 3-11-15-13.3(e); and
- (2) may choose to cast the voter's ballot on the voting system described in subdivision (1) without being required to indicate to any individual that the voter wishes to cast a ballot on the voting system because the voter intends to cast a ballot for a write-in candidate.

(c) The board shall furnish the number of cards it determines to be adequate for each precinct to the inspector at the same time the board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards."

Page 19, between lines 20 and 21, begin a new paragraph and insert:
"SECTION 26. IC 3-11-4-17.5, AS AMENDED BY P.L.164-2006, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

- (1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;
 - (2) the information set forth on the application appears to be true;
- and

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(3) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (3), the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast an absentee ballot, and the voter's absentee ballot shall be treated as a provisional ballot.

(b) If:

(1) the applicant is not a voter of the precinct according to the registration record; or

(2) the application as completed and filed:

(A) contains a false statement; or

(B) does not otherwise comply with Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) ~~This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d);~~ If the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

(1) not later than forty-eight (48) hours after the application is denied; and

(2) to the voter at the address at which the voter requested that the absentee ballot be mailed.

The notice must include information telling the applicant how the application can be corrected and can be approved, if possible.

(d) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

(1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and

(2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional

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documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(e) If the applicant:

- (1) is a voter of the precinct according to the registration record;
- (2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record; and
- (3) provides a voter identification number on the application to permit transfer of registration under IC 3-7-13-13;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter."

Page 21, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 32. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a ~~member of the precinct election board officer~~ shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter described by either of the following is not required to provide proof of identification before voting in an election:

- (1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. ~~is not required to provide proof of identification before voting in an~~**

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~~election.~~

(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:

(A) The voter is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee.

(B) The voter has a religious objection to being photographed.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section

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22.1 of this chapter or executed the affidavit before signing the poll list;
the voter may then vote.

(k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 33. IC 3-11-10-4, AS AMENDED BY P.L.198-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Upon receipt of an absentee ballot, a county election board (or the absentee voter board in the office of the circuit court clerk) shall immediately examine the signature of the absentee voter to determine its genuineness.

(b) This subsection does not apply to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears upon the envelope containing the absentee ballot with the signature of the voter as it appears upon the ~~application for the absentee ballot~~ **voter's affidavit of registration**. The board may also compare the signature on the ballot envelope with any other admittedly genuine signature of the voter.

(c) This subsection applies to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the ~~application for the absentee ballot~~ **voter's affidavit of registration**. The board may also compare the signature on the affidavit with any other admittedly genuine signature of the voter.

(d) If a member of the absentee voter board questions whether a signature on a ballot envelope or transmitted affidavit is genuine, the matter shall be referred to the county election board for consideration under section 5 of this chapter."

Page 21, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 34. IC 3-11-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. **(a)** If a county election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's

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application for the absentee ballot in a ~~large or~~ carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.**

(b) The envelope shall be securely sealed and endorsed with the ~~name and~~ official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only at the polls on election day while the polls are open."

SECTION 35. IC 3-11-10-12, AS AMENDED BY P.L.164-2006, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open. ~~and in sufficient time to enable~~ The precinct election boards ~~to board shall vote the~~ ballots received during the time the polls are open. **Any ballots received by the precinct election board after the polls are closed shall be returned to the county election board for counting under section 14 of this chapter.**

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

- (1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and
- (2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

(d) If the county election board is notified not later than 3 p.m. on election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection (c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board determines that the supplemental list may not be received before the closing of the polls, the board shall:

- (1) attempt to contact the precinct election board to inform the board regarding the content of the supplemental list; and
- (2) file a copy of the supplemental list for that precinct as part of the permanent records of the board.

(e) This subsection applies to a special write-in absentee ballot described in:

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- (1) 42 U.S.C. 1973ff for federal offices; and
- (2) IC 3-11-4-12(a) for state offices.

If the county election board receives both a special write-in absentee ballot and the regular absentee ballot described by IC 3-11-4-12 from the same voter, the county election board shall reject the special write-in ballot and deliver only the regular absentee ballot to the precinct election board."

Page 22, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 36. IC 3-11-10-14, AS AMENDED BY P.L.198-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Subject to **IC 3-10-8-7.5** and section 11 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after the county election board has started the final delivery of the ballots to the precincts on election day **shall be delivered to the county election board for counting.**

(b) An absentee ballot delivered to the county election board under subsection (a) shall be counted by the county election board if the ballot is not otherwise successfully challenged under this title.

(c) The election returns from the precinct shall be adjusted to reflect the votes on an absentee ballot required to be counted under subsection (b).

(d) Except as provided in subsection (e), absentee ballots received by the county election board after the close of the polls on election day are considered as arriving too late and need may not be delivered to the polls: counted.

(e) Absentee ballots received by the precinct election board as described in section 12(b) of this chapter after the close of the polls shall be returned to the county election board and be counted as provided in this section.

SECTION 37. IC 3-11-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. At any time between the opening and closing of the polls on election day, the inspector, in the presence of the precinct election board, shall do all of the following:

- (1) Open the outer or carrier envelope containing an absentee ballot envelope and application.
- (2) Announce the absentee voter's name.
- (3) Compare the signature upon the ~~application~~ **voter's affidavit of registration** with the signature upon the affidavit on the ballot envelope or transmitted affidavit attached to the ballot envelope.

SECTION 38. IC 3-11-10-24, AS AMENDED BY P.L.103-2005,

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SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail:

- (1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.
- (2) The voter will be absent from the precinct of the voter's residence on election day because of service as:
 - (A) a precinct election officer under IC 3-6-6;
 - (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
 - (C) a challenger or pollbook holder under IC 3-6-7; or
 - (D) a person employed by an election board to administer the election for which the absentee ballot is requested.
- (3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.
- (4) The voter is a voter with disabilities.
- (5) The voter is an elderly voter.
- (6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.
- (7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.
- (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- (9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.
- (10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(11) The voter is subject to lawful detention but has not been convicted of a crime.

(b) A voter with disabilities who:

- (1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and
- (2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside

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the envelope provided by the county election board for that purpose.
The voter shall:

- (1) deposit the sealed envelope in the United States mail for delivery to the county election board; or
- (2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:
 - (A) deposit the sealed envelope in the United States mail; or
 - (B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

- (1) The name and residence address of the voter whose absentee ballot is being delivered.
- (2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.
- (3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.
- (4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.
- (5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.
- (6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.
- (7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

- (1) section 1.5 of this chapter; or
- (2) section 33 of this chapter.

SECTION 39. IC 3-11-10-25, AS AMENDED BY P.L.164-2006, SECTION 108, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2007]: Sec. 25. (a) A voter who votes by absentee ballot because ~~of the voter:~~

- (1) **has an** illness or injury; ~~or~~
- (2) **is** caring for a confined person at a private residence; **or**
- (3) **is subject to lawful detention but has not been convicted of a crime;**

and who is within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

- (1) during the regular office hours of the circuit court clerk;
- (2) at a time agreed to by the board and the voter;
- (3) on any of the twelve (12) days immediately before election day; and
- (4) only once before an election, unless:
 - (A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or
 - (B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

- (1) agreed to by the board and the voter; and
- (2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a voter who is confined due to illness or injury and will be outside the county on election day in accordance with the procedures set forth in subsection (b).

(e) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is

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cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(f) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(g) This subsection applies to a voter who applies to vote an absentee ballot by mail. The county election board shall include a copy of the Absentee Voter's Bill of Rights with any absentee ballot mailed to the voter."

Page 25, delete lines 38 through 42.

Page 26, delete lines 1 through 2.

Page 26, delete lines 25 through 28.

Page 26, line 33, delete ":".

Page 26, line 34, delete "(1)".

Page 26, line 35, after "chapter" insert ".".

Page 26, line 35, delete "by the secretary of".

Page 26, run in lines 33 through 35.

Page 26, delete lines 36 through 38.

Page 26, line 41, delete "secretary of"

Page 26, line 42, delete "state or the".

Page 27, line 17, delete "secretary of state" and insert "**election division**".

Page 27, line 20, delete "secretary of state" and insert "**election division**".

Page 27, line 24, delete "secretary of state" and insert "**election division**".

Page 27, line 26, delete "secretary of state" and insert "**election division**".

Page 27, line 28, delete "secretary of state" and insert "**election division**".

Page 27, after line 42, begin a new paragraph and insert:

"SECTION 47. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Subject to section 7 of this chapter, absentee ballots received by mail (or by fax or electronic mail under

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IC 3-11-4-6) after ~~noon~~ **the close of the polls** on election day are considered as arriving too late and may not be counted.

SECTION 48. IC 3-11.5-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. At any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

- (1) open the outer or carrier envelope containing an absentee ballot envelope and application;
- (2) announce the absentee voter's name; and
- (3) compare the signature upon the ~~application with the signature upon the~~ affidavit on the ballot envelope or transmitted affidavit **with the signature on the voter's affidavit of registration.**

SECTION 49. IC 3-11.5-4-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. If a voter has not returned an absentee ballot, the voter may vote in person. However, before the voter may vote, the voter must return the ballot to the **precinct election board or the** county election board. The absentee ballot shall be marked "canceled" and preserved with the rejected ballots."

Page 28, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 51. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) A voter who:

- (1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26 as a result of the voter's inability or declination to provide proof of identification; and
- (2) cast a provisional ballot;

may personally appear before the circuit court clerk or the county election board not later than the deadline specified by section 1 of this chapter for the county election board to determine whether to count a provisional ballot.

(b) Except as provided in subsection (c), ~~or (c)~~; if the voter:

- (1) provides proof of identification to the circuit court clerk or county election board; and
- (2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:
 - (A) personally appeared before the precinct election board; and
 - (B) cast the provisional ballot on election day;

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the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

~~(c)~~ If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:

(1) the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day; and

(2) the voter:

(A) is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee; or

(B) has a religious objection to being photographed;

the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board:

(d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:

(1) find that the voter's provisional ballot is valid; and

(2) direct that the provisional ballot be:

(A) opened under section 4 of this chapter; and

(B) processed in accordance with this chapter.

~~(c)~~ (c) If the county election board determines that a voter described in subsection (b) or ~~(c)~~ has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:

(1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and

(2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.

~~(f)~~ (d) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) to:

(1) appear before the county election board; and

(2) execute an affidavit in the manner prescribed by subsection (b); or ~~(c)~~;

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the county election board shall find that the voter's provisional ballot is invalid.

SECTION 52. IC 3-12-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to votes cast by any method.

(b) Except as provided in section 13 of this chapter, a ballot that has been marked and cast by a voter in compliance with this title but may otherwise not be counted solely as the result of the act or failure to act of an election officer ~~may nevertheless~~ **shall** be counted ~~in a proceeding under IC 3-12-6, IC 3-12-8, or IC 3-12-11~~ unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented. ~~by a party to the proceeding.~~

(c) The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot."

Page 29, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 54. IC 3-12-4-18, AS AMENDED BY P.L.221-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. If electronic voting systems are used in a precinct, the county election board may ~~request authorization from the state recount commission to~~ inspect the registering counter or other recording device on any electronic voting system showing the number of votes cast for any candidate or public question. ~~If authorized by the state recount commission,~~ The board may conduct an inspection either before it proceeds to count and tabulate the vote or within one (1) day after the count and tabulation are finished."

Page 33, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 63. IC 5-4-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Except as provided in subsection (b) **or (c)**, the following city, town, county, or township officers and employees shall file an individual surety bond:

- (1) City judges, controllers, clerks, and clerk-treasurers.
- (2) Town judges and clerk-treasurers.
- (3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners, assessors, and clerks.
- (4) Township trustees and assessors.
- (5) Those employees directed to file an individual bond by the fiscal body of a city, town, or county.

(b) The fiscal body of a city, town, county, or township may by ordinance authorize the purchase of a blanket bond or a crime insurance policy endorsed to include faithful performance to cover the

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faithful performance of all employees, commission members, and persons acting on behalf of the local government unit including those officers described in subsection (a).

(c) A county may purchase a blanket bond to cover the elected officers of one (1) or more local government units in the county, including those officers described in subsection (a). The local units for whom the county purchases a blanket bond shall make the necessary appropriation to reimburse the county. The cost of a blanket bond purchased under this subsection is apportioned to each unit in the same ratio as the number of elected officers of the unit covered by the bond bears to the total number of elected officers covered by the bond.

~~(c)~~ **(d)** The fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

- (1) The amount must equal fifteen thousand dollars (\$15,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).
- (2) The amount may not be less than fifteen thousand dollars (\$15,000) nor more than three hundred thousand dollars (\$300,000).

County auditors shall file bonds in amounts of not less than fifteen thousand dollars (\$15,000), as fixed by the fiscal body of the county. The amount of the bond of any other person required to file an individual bond shall be fixed by the fiscal body of the unit at not less than eight thousand five hundred dollars (\$8,500).

~~(d)~~ **(e)** A controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file an individual surety bond in an amount:

- (1) fixed by the board of directors of the solid waste management district; and
- (2) that is at least fifteen thousand dollars (\$15,000).

~~(e)~~ **(f)** Except as provided under subsection ~~(d)~~; **(e)**, a person who is required to file an individual surety bond by the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file a bond in an amount fixed by the board of directors.

~~(f)~~ **(g)** In 1982 and every four (4) years after that, the state examiner shall review the bond amounts fixed under this section and report in an

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electronic format under IC 5-14-6 to the general assembly whether changes are necessary to ensure adequate and economical coverage.

~~(g)~~ **(h)** The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section, in consultation with the commission on public records under IC 5-15-5.1-6.

SECTION 64. IC 5-10.1-2-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: **Sec. 9. (a) The agreement shall be modified to exclude services performed by an election official or an election worker for calendar year 2007 in which the remuneration paid for such services is less than one thousand three hundred dollars (\$1,300), and for each calendar year after 2007 in which the remuneration paid is less than the adjusted amount, as described in subsection (b), beginning with services performed in the year that this modification was mailed or delivered by other means to the Commissioner of Social Security.**

(b) The one thousand three hundred dollar (\$1,300) limit on the excludable amount of remuneration paid in a calendar year for the services specified in this modification is subject to adjustment for calendar years after 2007 to reflect changes in wages in the economy without any further modification of the agreement, with respect to such services performed during such calendar years, in accordance with Section 218(c)(8)(B) of the Social Security Act.

(c) This exclusion applies to all coverage groups of the state and its political subdivisions currently (as of the date this modification is executed), including under this agreement and to which the agreement is hereafter made applicable.

SECTION 65. IC 20-23-8-10, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10. (a) A change in a plan may be initiated by one (1) of the following procedures:**

(1) By filing a petition signed by at least ~~twenty ten~~ percent (~~20%~~) (10%) of the active voters (as defined in IC 3-5-2-1.7) of the school corporation with the clerk of the circuit court.

(2) By a resolution adopted by the governing body of the school corporation.

(3) By ordinance adopted by a city legislative body under section 13 of this chapter.

(b) A petition, resolution, or ordinance must set forth a description of the plan that conforms with section 7 of this chapter.

(c) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (~~59,700~~)

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but less than sixty-five thousand (~~65,000~~), a change in a plan may be initiated by filing a petition signed by ten percent (10%) or more of the voters of the school corporation with the clerk of the circuit court.

SECTION 66. IC 20-23-8-14, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Not more than ten (10) days after a governing body has:

- (1) initiated;
- (2) approved; or
- (3) disapproved;

a plan initiated by the petition filed with it, the governing body shall publish a notice one (1) time in a newspaper of general circulation in the county of the school corporation. If a newspaper of general circulation is not published in the county of the school corporation, the governing body shall publish a notice one (1) time in a newspaper of general circulation published in a county adjoining the county of the school corporation.

(b) The notice must set out the text of a plan initiated by the governing body or another plan filed with the governing body before the preparation of the notice. The notice must also state the right of a voter, as provided in this section, to file a petition for alternative plans or a petition protesting the adoption of a plan or plans to which the notice relates.

(c) If the governing body fails to publish a notice required by this section, the governing body shall, not more than five (5) days after the expiration of the ten (10) day period for publication of notice under this section, submit the petition that has been filed with the clerk to the state board, whether or not the plan contained in the petition or the petition meets the requirements of this chapter.

(d) Not later than one hundred twenty (120) days after the publication of the notice, voters of the school corporation may file with the clerk a petition protesting a plan initiated or approved by the governing body or a petition submitting an alternative plan as follows:

- (1) A petition protesting a plan ~~shall must~~ be signed by at least ~~twenty ten percent (20%)~~ **(10%)** of the **active voters (as defined in IC 3-5-2-1.7)** of the school corporation or five hundred (500) voters of the school corporation, whichever is less.
- (2) A petition submitting an alternative plan ~~shall must~~ be signed by at least ~~twenty ten percent (20%)~~ **(10%)** of the **active voters (as defined in IC 3-5-2-1.7)** of the school corporation.

A petition filed under this subsection shall be certified by the clerk and shall be filed with the governing body in the same manner as is

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provided for a petition in section 11 of this chapter.

(e) The governing body or the voters may not initiate or file additional plans until the plans that were published in the notice or submitted as alternative plans not later than one hundred twenty (120) days after the publication of the notice have been disposed of by:

- (1) adoption;
- (2) defeat at a special election held under section 16 of this chapter; or
- (3) combination with another plan by the state board under section 15 of this chapter.

SECTION 67. IC 20-23-14.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 14.5. Election of Governing Body Members in Mishawaka

Sec. 1. In a school city established under IC 20-23-4 located in a city having a population of more than forty-six thousand five hundred (46,500) but less than fifty thousand (50,000), if a majority of the voters voting in the municipal election held on November 6, 2007, vote in favor of an elected school board, the governing body consists of a board of trustees of seven (7) members elected in the manner provided in this chapter.

Sec. 2. (a) For purposes of this section, a reference to a common council district of the city is a reference to the district as it existed on January 1, 2007.

(b) The city is divided into the following three (3) districts:

- (1) District One consists of the first district of the common council and the second district of the common council.
- (2) District Two consists of the third district of the common council and the fourth district of the common council.
- (3) District Three consists of the fifth district of the common council and the sixth district of the common council.

Sec. 3. As used in this chapter, "district" refers to a district of the governing body established by section 2(b) of this chapter.

Sec. 4. Beginning with the general election held in November 2008, and every four (4) years thereafter, three (3) members of the governing body shall be elected by voters of the districts as provided in this chapter. The candidate who receives the greatest number of votes among all candidates for a district seat is elected.

Sec. 5. (a) Beginning with the general election held in November 2008, and every four (4) years thereafter, one (1) member of the governing body shall be elected by all the voters of the school city

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as provided in this chapter. The candidate who receives the greatest number of votes among all candidates for an at-large seat is elected.

(b) Beginning with the general election held in November 2010, and every four (4) years thereafter, three (3) members of the governing body shall be elected by all the voters of the school city as provided in this chapter. The three (3) candidates who receive the greatest number of votes among all candidates for an at-large seat are elected.

Sec. 6. Except as provided in this chapter, IC 3 applies to an election held under this chapter.

Sec. 7. The circuit court clerk shall prepare a separate ballot to be used for governing body elections. Candidates shall appear on the ballot in alphabetical order.

Sec. 8. (a) The term of a member of the governing body is four (4) years, beginning on January 1 following the member's election.

(b) A member may be reelected.

SECTION 68. IC 24-5-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) As used in this chapter, "commercial telephone solicitation" means any unsolicited call to a subscriber when:

- (1) the person initiating the call has not had a prior business or personal relationship with the subscriber; and
- (2) the purpose of the call is to solicit the purchase or the consideration of the purchase of goods or services by the subscriber.

(b) The term does not include calls initiated by the following:

- (1) The state or a political subdivision (as defined by IC 36-1-2-13) for exclusively public purposes.
- (2) The United States or any of its subdivisions for exclusively public purposes (involving real property in Indiana).

(3) A public opinion polling organization.

SECTION 69. IC 24-5-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) This section does not apply to messages:

- (1) from school districts to students, parents, or employees;
- (2) to subscribers with whom the caller has a current business or personal relationship; or
- (3) advising employees of work schedules; or
- (4) surveying public opinion by a public opinion polling organization.**

(b) A caller may not use or connect to a telephone line an automatic

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dialing-announcing device unless:

- (1) the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or
- (2) the message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered."

Page 34, line 42, delete "IC 3-11-11-1.6." and insert "IC 3-11-11-1.6; IC 3-14-2-29."

Page 35, line 10, after "IC 3-11-17-3" insert ",".

Page 35, line 10, delete "and IC 3-11-17-4, both".

Page 35, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 75. [EFFECTIVE UPON PASSAGE] (a) The Spencer County election board shall place the following public question on the November 2007 municipal election ballot in the town of Grandview in Spencer County:

"Would you support funding a storm water utility through a fee added to your utility bill?".

(b) The county election board shall print the following immediately below the public question stated in subsection (a):

"The vote on these statements is only advisory. The result of the vote on these statements is not binding on the Town of Grandview or any public official."

(c) The county election board shall tabulate the votes cast on the public question described in this SECTION and certify the results under IC 3-12-4-9. The circuit court clerk shall send a copy of the certification required by this subsection to the legislative body of the town of Grandview.

(d) IC 3 applies to the public question placed on the ballot under this SECTION to the extent IC 3 is not inconsistent with this SECTION.

(e) This SECTION expires July 1, 2008.

SECTION 76. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 3-5-2 apply throughout this SECTION.

(b) This SECTION applies to a proposed precinct establishment order:

(1) that was filed with the election division:

(A) after January 31, 2006; and

(B) before February 1, 2007;

(2) with respect to which technical comments were received from the office of census data concerning some or all of the order, which technical comments were transmitted to the election division before February 1, 2007; and

(3) that was not approved by the commission or the election

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division under IC 3-11-1.5 before February 1, 2007.

(c) Beginning June 1, 2007, and not later than August 31, 2007, the proposed precinct establishment order, as amended by the election division to respond to technical comments or to ensure compliance with state law, may be approved under IC 3-11-1.5-18 by the election division or by the Indiana election commission.

(d) Notwithstanding IC 3-11-1.5, a proposed precinct establishment order approved under this SECTION is effective upon the earlier of the adoption of the order by the county under IC 3-11-1.5-18(e), or upon the approval of the commission under IC 3-11-1.5.

(e) This SECTION expires January 1, 2008."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 292 as printed February 2, 2007.)

PIERCE, Chair

Committee Vote: yeas 11, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 292 be amended to read as follows:

Page 1, line 3, after "40.5." insert **"(a) Except as provided in subsection (b),"**.

Page 1, line 3, delete ""Proof" and insert ""proof".

Page 2, between lines 10 and 11, begin a new paragraph and insert:

"(b) Notwithstanding subsection (a), a document issued to an individual to identify the individual as a participant in the Medicare program established under Title XVIII of the federal Social Security Act (42 U.S.C. 1395 et seq.) is sufficient proof of identification for purposes of this title."

(Reference is to ESB 292 as printed April 6, 2007.)

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